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United Nations

Report of the Human Rights Council

Sixteenth session
(28 February-25 March 2011)

Seventeenth session
(30 May-17 June 2011)

Fourteenth special session
(23 December 2010)

Fifteenth special session
(25 February 2011)

Sixteenth special session
(29 April 2011)

Seventeenth special session
(22 and 23 August 2011)

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Sixty-sixth Session
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The present volume contains the resolutions, decisions and President's statements adopted by the Human Rights Council from 28 February 2011 to 22 August 2011, at its sixteenth and seventeenth sessions, and at its fourteenth, fifteenth, sixteenth and seventeenth special sessions. The resolutions and decisions adopted by the Council from 19 June to 11 August 2006 at its first session and its first and second special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-first Session, Supplement No. 53* (A/61/53). The resolutions, decisions and President's statements adopted by the Council from 18 September 2006 to 22 June 2007, at its second, third, fourth and fifth sessions, at its first organizational meeting, and at its third and fourth special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-second Session, Supplement No. 53* (A/62/53). The resolutions, decisions and President's statements adopted by the Council from 10 September 2007 to 24 September 2008, at its sixth, seventh, eighth and ninth sessions and at its fifth, sixth and seventh special sessions appear in the report of the Council to the General Assembly and the addendum thereto, issued as *Official Records, Sixty-third Session, Supplement No. 53* and *Supplement No. 53 A* (A/63/53 and Add.1). The resolutions, decisions and President's statements adopted by the Council from 28 November 2008 to 18 June 2009, at its tenth and eleventh sessions and at its eighth, ninth, tenth, eleventh and twelfth special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-fourth Session, Supplement No. 53* and *Supplement No. 53 A* (A/64/53 and Add.1). The resolutions, decisions and President's statements adopted by the Council from 14 September 2009 to 1 October 2010, at its twelfth, thirteenth, fourteenth and fifteenth sessions and at its thirteenth special session appear in the report of the Council to the General Assembly and the addendum thereto, issued as *Official Records, Sixty-fifth Session, Supplement No. 53* and *Supplement No. 53 A* (A/65/53 and Add.1).

[26 October 2011]

Contents

Chapter		*Page*
	Checklist of resolutions, decisions and the President's statement	iv
	Introduction	1
	Resolutions and decisions adopted by the Human Rights Council at its sixteenth and seventeenth sessions and at its fourteenth, fifteenth, sixteenth and seventeenth special sessions, and the President's statement adopted by the Council at its sixteenth session	
I.	Resolutions and decisions brought to the attention of the General Assembly for its consideration and possible action	2
II.	Sixteenth session	33
	A. Resolutions	33
	B. Decisions	122
	C. President's statement	132
III.	Seventeenth session	134
	A. Resolutions	134
	B. Decisions	188
IV.	Fourteenth special session	207
V.	Fifteenth special session	209
VI.	Sixteenth special session	210
VII.	Seventeenth special session	211
	Index of topics considered by the Human Rights Council in its resolutions, decisions and the President's statement	212

Checklist of resolutions, decisions and the President's statement

A. Resolutions

Resolution	*Title*	*Date of adoption*	*Page*
16/1	United Nations Declaration on Human Rights Education and Training	23 March 2011	2
16/2	The human right to safe drinking water and sanitation	24 March 2011	33
16/3	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind	24 March 2011	36
16/4	Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	24 March 2011	37
16/5	Mandate of the Special Rapporteur on the situation of human rights defenders	24 March 2011	38
16/6	Mandate of the independent expert on minority issues	24 March 2011	40
16/7	Mandate of the Special Rapporteur on violence against women, its causes and consequences	24 March 2011	42
16/8	Situation of human rights in the Democratic People's Republic of Korea	24 March 2011	44
16/9	Situation of human rights in the Islamic Republic of Iran	24 March 2011	46
16/10	Composition of staff of the Office of the United Nations High Commissioner for Human Rights	24 March 2011	7
16/11	Human rights and the environment	24 March 2011	47
16/12	Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street	24 March 2011	49
16/13	Freedom of religion or belief	24 March 2011	55
16/14	Mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	24 March 2011	58
16/15	Role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities	24 March 2011	60
16/16	Enforced or involuntary disappearances	24 March 2011	63

Resolution	*Title*	*Date of adoption*	*Page*
16/17	Human rights in the occupied Syrian Golan	24 March 2011	65
16/18	Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief	24 March 2011	67
16/19	Cooperation between Tunisia and the Office of the United Nations High Commissioner for Human Rights	24 March 2011	70
16/20	Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla	25 March 2011	71
16/21	Review of the work and functioning of the Human Rights Council	25 March 2011	72
16/22	Enhancement of international cooperation in the field of human rights	25 March 2011	80
16/23	Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur	25 March 2011	83
16/24	Situation of human rights in Myanmar	25 March 2011	87
16/25	Situation of human rights in Côte d'Ivoire	25 March 2011	9
16/26	The Social Forum	25 March 2011	92
16/27	The right to food	25 March 2011	94
16/28	The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)	25 March 2011	102
16/29	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	25 March 2011	108
16/30	Right of the Palestinian people to self-determination	25 March 2011	111
16/31	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	25 March 2011	113
16/32	Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict	25 March 2011	11
16/33	Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	25 March 2011	117
16/34	Advisory services and technical assistance for Burundi	25 March 2011	117

Resolution	*Title*	*Date of adoption*	*Page*
16/35	The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services	25 March 2011	118
16/36	Strengthening of technical cooperation and consultative services in Guinea	25 March 2011	120
17/1	Mandate of the Special Rapporteur on trafficking in persons, especially women and children	16 June 2011	134
17/2	Mandate of the Special Rapporteur on the independence of judges and lawyers	16 June 2011	136
17/3	The right to education: follow-up to Human Rights Council resolution 8/4	16 June 2011	138
17/4	Human rights and transnational corporations and other business enterprises	16 June 2011	140
17/5	Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions	16 June 2011	144
17/6	Mandate of the independent expert on human rights and international solidarity	16 June 2011	146
17/7	The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	16 June 2011	148
17/8	Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism	16 June 2011	14
17/9	National institutions for the promotion and protection of human rights	16 June 2011	153
17/10	Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla	17 June 2011	156
17/11	Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection	17 June 2011	157
17/12	Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants	17 June 2011	162
17/13	Extreme poverty and human rights	17 June 2011	164
17/14	The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines	17 June 2011	166
17/15	Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity	17 June 2011	169
17/16	Promotion of the right of peoples to peace	17 June 2011	171

Resolution	*Title*	*Date of adoption*	*Page*
17/17	Situation of human rights in the Libyan Arab Jamahiriya	17 June 2011	175
17/18	Optional Protocol to the Convention on the Rights of the Child on a communications procedure	17 June 2011	15
17/19	Human rights, sexual orientation and gender identity	17 June 2011	176
17/20	Technical assistance and cooperation on human rights for Kyrgyzstan	17 June 2011	178
17/21	Assistance to Côte d'Ivoire in the field of human rights	17 June 2011	23
17/22	Migrants and asylum-seekers fleeing recent events in North Africa	17 June 2011	180
17/23	The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights	17 June 2011	182
17/24	Situation of human rights in Belarus	17 June 2011	184
17/25	Assistance to Somalia in the field of human rights	17 June 2011	186
S-14/1	Situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election	23 December 2010	207
S-15/1	Situation of human rights in the Libyan Arab Jamahiriya	25 February 2011	26
S-16/1	The current human rights situation in the Syrian Arab Republic in the context of recent events	29 April 2011	28
S-17/1	Situation of human rights in the Syrian Arab Republic	23 August 2011	30

B. Decisions

Decision	*Title*	*Date of adoption*	*Page*
16/101	Outcome of the universal periodic review: Liberia	16 March 2011	122
16/102	Outcome of the universal periodic review: Malawi	16 March 2011	122
16/103	Outcome of the universal periodic review: Mongolia	16 March 2011	123
16/104	Outcome of the universal periodic review: Panama	16 March 2011	123
16/105	Outcome of the universal periodic review: Maldives	16 March 2011	124
16/106	Outcome of the universal periodic review: Andorra	16 March 2011	124
16/107	Outcome of the universal periodic review: Bulgaria	17 March 2011	125
16/108	Outcome of the universal periodic review: Honduras	17 March 2011	125
16/109	Outcome of the universal periodic review: Lebanon	17 March 2011	126
16/110	Outcome of the universal periodic review: Marshall Islands	17 March 2011	126
16/111	Outcome of the universal periodic review: Croatia	17 March 2011	127
16/112	Outcome of the universal periodic review: Jamaica	17 March 2011	127
16/113	Outcome of the universal periodic review: Federated States of Micronesia	18 March 2011	128
16/114	Outcome of the universal periodic review: Mauritania	18 March 2011	128
16/115	Outcome of the universal periodic review: United States of America	18 March 2011	129
16/116	Panel on the human rights of victims of terrorism	24 March 2011	129
16/117	Right to development	25 March 2011	131
16/118	Postponement of the renewal of the mandate of the independent expert on human rights and international solidarity	25 March 2011	132
17/101	Outcome of the universal periodic review: Nauru	7 June 2011	188
17/102	Outcome of the universal periodic review: Rwanda	7 June 2011	188
17/103	Outcome of the universal periodic review: Nepal	7 June 2011	189
17/104	Outcome of the universal periodic review: Saint Lucia	7 June 2011	189
17/105	Outcome of the universal periodic review: Oman	7 June 2011	190
17/106	Outcome of the universal periodic review: Austria	7 June 2011	190
17/107	Outcome of the universal periodic review: Myanmar	8 June 2011	191

Decision	*Title*	*Date of adoption*	*Page*
17/108	Outcome of the universal periodic review: Australia	8 June 2011	191
17/109	Outcome of the universal periodic review: Georgia	8 June 2011	192
17/110	Outcome of the universal periodic review: Saint Kitts and Nevis	8 June 2011	192
17/111	Outcome of the universal periodic review: Sao Tome and Principe	8 June 2011	193
17/112	Outcome of the universal periodic review: Namibia	8 June 2011	193
17/113	Outcome of the universal periodic review: Niger	9 June 2011	194
17/114	Outcome of the universal periodic review: Mozambique	9 June 2011	194
17/115	Outcome of the universal periodic review: Estonia	9 June 2011	195
17/116	Outcome of the universal periodic review: Paraguay	9 June 2011	195
17/117	Procedural decision	16 June 2011	196
17/118	Establishment of the Office of the President of the Human Rights Council	17 June 2011	196
17/119	Follow-up to the Human Rights Council resolution 16/21 with regard to the universal periodic review	17 June 2011	197
17/120	Panel on the promotion and protection of human rights in the context of peaceful protests	17 June 2011	205

C. President's statement

President's statement	*Title*	*Date of adoption*	*Page*
PRST/16/1	Reports of the Advisory Committee	25 March 2011	132

Introduction

1. The Human Rights Council held its sixteenth session from 28 February to 25 March 2011 and its seventeenth session from 30 May to 17 June 2011. The fifth organizational meeting was held on 20 June 2011, in accordance with rule 8 of its rules of procedure, as contained in the annex to Council resolution 5/1. The Council held its fourteenth special session on 23 December 2010, its fifteenth special session on 25 February 2011, its sixteenth special session on 29 April 2011 and its seventeenth special session on 22 and 23 August 2011.

2. The reports of the Human Rights Council on each of the above-mentioned sessions have been issued in documents A/HRC/16/2,[1] A/HRC/17/2,[1] A/HRC/S-14/1, A/HRC/S-15/2,[1] A/HRC/S-16/1[1] and A/HRC/S-17/2.[1]

[1] To be finalized.

Resolutions and decisions adopted by the Human Rights Council at its sixteenth and seventeenth sessions and at its fourteenth, fifteenth, sixteenth and seventeenth special sessions, and the President's statement adopted by the Council at its sixteenth session

I. Resolutions and decisions brought to the attention of the General Assembly for its consideration and possible action

16/1
United Nations Declaration on Human Rights Education and Training

The Human Rights Council,

Acknowledging the work of the Human Rights Council Advisory Committee in preparing a draft declaration on human rights education and training as requested by the Human Rights Council in its resolution 6/10 of 28 September 2007,

Recalling Council resolution 13/15 of 25 March 2010, in which it established an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Council the draft United Nations declaration on human rights education and training on the basis of the draft submitted by the Advisory Committee,

Welcoming the report of the Open-ended Working Group on the draft United Nations declaration on human rights education and training (A/HRC/WG.9/1/3) and the decision to transmit the draft United Nations declaration on human rights education and training to the Council for its consideration,

1. *Adopts* the United Nations Declaration on Human Rights Education and Training as contained in the annex to the present resolution;

2. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of its resolution 60/251 of 15 March 2006, adopt the following draft resolution:

"*The General Assembly,*

Welcoming the adoption by the Human Rights Council, through its resolution 16/1 of 23 March 2011, of the United Nations Declaration on Human Rights Education and Training,

1. *Adopts* the United Nations declaration on human rights education and training as contained in the annex to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.".

44th meeting
23 March 2011

[Adopted without a vote.]

Annex

United Nations Declaration on Human Rights Education and Training

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations with regard to the promotion and encouragement of respect for all human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also that every individual and every organ of society shall strive by teaching and education to promote respect for human rights and fundamental freedoms,

Reaffirming further that everyone has the right to education, and that education shall be directed to the full development of the human personality and the sense of its dignity, and enable all persons to participate effectively in a free society and promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace, security and the promotion of development and human rights,

Reaffirming that States are duty-bound, as stipulated in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and in other human rights instruments, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms,

Acknowledging the fundamental importance of human rights education and training in contributing to the promotion, protection and effective realization of all human rights,

Reaffirming the call of the World Conference on Human Rights,[2] held in Vienna in 1993, on all States and institutions to include human rights, humanitarian law, democracy and rule of law in the curricula of all learning institutions, and stating that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights,

Recalling the 2005 World Summit Outcome,[3] in which Heads of State and Government supported the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education, and encouraged all States to develop initiatives in this regard,

Motivated by the desire to send a strong signal to the international community to strengthen all efforts in human rights education and training through a collective commitment by all stakeholders,

Declares the following:

Article 1

1. Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training.

2. Human rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all, in accordance with the principles of universality, indivisibility and interdependence of human rights.

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[2] A/CONF.157/24 (Part I), chap. II, para. 79.

[3] General Assembly resolution 60/1.

3. The effective enjoyment of all human rights, in particular the right to education and access to information, enables access to human rights education and training.

Article 2

1. Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing to, inter alia, the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.

2. Human rights education and training encompasses education:

(a) About human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;

(b) Through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;

(c) For human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

Article 3

1. Human rights education and training is a lifelong process that concerns all ages.

2. Human rights education and training concerns all parts of society, at all levels, including preschool, primary, secondary and higher education, taking into account academic freedom where applicable, and all forms of education, training and learning, whether in a public or private, formal, informal or non-formal setting. It includes, inter alia, vocational training, particularly the training of trainers, teachers and State officials, continuing education, popular education, and public information and awareness activities.

3. Human rights education and training should use languages and methods suited to target groups, taking into account their specific needs and conditions.

Article 4

Human rights education and training should be based on the principles of the Universal Declaration of Human Rights and relevant treaties and instruments, with a view to:

(a) Raising awareness, understanding and acceptance of universal human rights standards and principles, as well as guarantees at the international, regional and national levels for the protection of human rights and fundamental freedoms;

(b) Developing a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society;

(c) Pursuing the effective realization of all human rights and promoting tolerance, non-discrimination and equality;

(d) Ensuring equal opportunities for all through access to quality human rights education and training, without any discrimination;

(e) Contributing to the prevention of human rights violations and abuses and to the combating and eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them.

Article 5

1. Human rights education and training, whether provided by public or private actors, should be based on the principles of equality, human dignity, inclusion and non-discrimination, particularly equality between girls and boys and between women and men.

2. Human rights education and training should be accessible and available to all persons, and should take into account the particular challenges and barriers faced by, and the needs and expectations of, persons in vulnerable and disadvantaged situations and groups, including persons with disabilities, in order to promote empowerment and human development and to contribute to the elimination of the causes of exclusion or marginalization, as well as enable everyone to exercise all their rights.

3. Human rights education and training should embrace and enrich, as well as draw inspiration from, the diversity of civilizations, religions, cultures and traditions of different countries, as it is reflected in the universality of human rights.

4. Human rights education and training should take into account different economic, social and cultural circumstances while promoting local initiatives in order to encourage ownership of the common goal of the fulfilment of all human rights for all.

Article 6

1. Human rights education and training should capitalize on and make use of new information and communication technologies, as well as the media, to promote all human rights and fundamental freedoms.

2. The arts should be encouraged as a means of training and raising awareness in the field of human rights.

Article 7

1. States, and where applicable relevant governmental authorities, have the primary responsibility to promote and ensure human rights education and training, developed and implemented in a spirit of participation, inclusion and responsibility.

2. States should create a safe and enabling environment for the engagement of civil society, the private sector and other relevant stakeholders in human rights education and training, in which the human rights and fundamental freedoms of all, including of those engaged in the process, are fully protected.

3. States should take steps, individually and through international assistance and cooperation, to ensure, to the maximum of their available resources, the progressive implementation of human rights education and training by appropriate means, including the adoption of legislative and administrative measures and policies.

4. States, and where applicable relevant governmental authorities, should ensure adequate training in human rights and, where appropriate, international humanitarian law and international criminal law, of State officials, civil servants, judges, law enforcement officials and military personnel, as well as promote adequate training in human rights for teachers, trainers and other educators and private personnel acting on behalf of the State.

Article 8

1. States should develop, or promote the development of, at the appropriate level, strategies and policies and, where appropriate, action plans and programmes to implement human rights education and training, such as through its integration into school and training curricula. In so doing, they should take into account the World Programme for Human Rights Education and specific national and local needs and priorities.

2. The conception, implementation and evaluation of and follow-up to such strategies, action plans, policies and programmes should involve all relevant stakeholders, including the private sector, civil society and national human rights institutions, by promoting, where appropriate, multi-stakeholder initiatives.

Article 9

States should promote the establishment, development and strengthening of effective and independent national human rights institutions, in compliance with the Paris Principles, recognizing that national human rights institutions can play an important role, including, where necessary, a coordinating role, in promoting human rights education and training by, inter alia, raising awareness and mobilizing relevant public and private actors.

Article 10

1. Various actors within society, including, inter alia, educational institutions, the media, families, local communities, civil society institutions, including non-governmental organizations, human rights defenders and the private sector have an important role to play in promoting and providing human rights education and training.

2. Civil society institutions, the private sector and other relevant stakeholders are encouraged to ensure adequate human rights education and training for their staff and personnel.

Article 11

The United Nations and international and regional organizations should provide human rights education and training for their civilian personnel, and military and police personnel serving under their mandates.

Article 12

1. International cooperation at all levels should support and reinforce national efforts, including, where applicable, at the local level, to implement human rights education and training.

2. Complementary and coordinated efforts at the international, regional, national and local levels can contribute to more effective implementation of human rights education and training.

3. Voluntary funding for projects and initiatives in the field of human rights education and training should be encouraged.

Article 13

1. International and regional human rights mechanisms should, within their respective mandates, take into account human rights education and training in their work.

2. States are encouraged to include, where appropriate, information on the measures that they have adopted in the field of human rights education and training in their reports to relevant human rights mechanisms.

Article 14

States should take appropriate measures to ensure the effective implementation of and follow-up to the present Declaration and make the necessary resources available in this regard.

16/10
Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Taking note also of the report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the High Commissioner,[4]

Taking note further of the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner[5] and on the funding and staffing of the Office,[6]

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Expressing its concern that, despite the repeated requests to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for almost half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined,

Reaffirming the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses* its serious concern at the fact that, despite the measures taken by the Office of the United Nations High Commissioner for Human Rights, the imbalance in the geographical representation of its composition continues to be prominent, and that a single

[4] A/HRC/16/35.
[5] A/59/65-E/2004/48 and Add.1.
[6] JIU/REP/2007/8.

region occupies more posts in both the professional and technical categories, as well as permanent and temporary categories, than the other four regions combined;

2. *Welcomes* the statement made by the High Commissioner in her report that achieving geographical balance in the staff of her Office will remain one of her priorities, and requests the High Commissioner to continue to take all measures needed to redress the current imbalance in geographical distribution of the staff of the Office;

3. *Notes* the increase in the past four years in the percentage of staff from regions identified as requiring better representation and the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while noting with concern the small increase in 2010 and no change in the status of the prominent region, and stresses the need to implement additional measures to redress the prominent imbalance in a more expeditious way;

4. *Takes note* of the progress achieved in improving the geographic diversity of the staff of the Office, and takes note also of the commitment of the High Commissioner to remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

5. *Requests* the High Commissioner to work on the broadest geographical diversity of her staff by enhancing the implementation of measures to achieve a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a zero-growth cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

6. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

7. *Requests* future High Commissioners to continue to enhance the ongoing efforts made in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

8. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion to high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;

9. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

10. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments, and also recalls the request that he submit to the General Assembly proposals for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure equitable geographical distribution in relation to the total number of staff of the Secretariat;

11. *Encourages* the General Assembly to consider further measures to promote desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities and various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

12. *Welcomes* the significant increase in the human and financial resources allocated to the activities of the Office of the High Commissioner and the impact it should have on the geographic composition of the Office;

13. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006, and underlines the priority importance that the Assembly continue to provide support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

14. *Requests* the High Commissioner to submit a comprehensive and updated report to the Human Rights Council at its nineteenth session, in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office.

46th meeting
24 March 2011

[Adopted by a recorded vote of 31 to 13, with 2 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Chile, Republic of Korea]

16/25
Situation of human rights in Côte d'Ivoire

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the other relevant human rights treaties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further Human Rights Council resolution S-14/1, adopted by the Council on 23 December 2010 at its special session on the situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election,

Reaffirming that all States are bound to promote and protect all human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights and international human rights treaties to which they are party,

Reaffirming also its conviction that the post-electoral crisis in Côte d'Ivoire requires an overall political solution that preserves democracy and peace and promotes lasting reconciliation among all Ivorians,

Noting the role played by the international community, in particular the African Union and the Economic Community of West African States, in efforts to put an end to violence, halt clashes, work towards a peaceful solution to the ongoing crisis and take action to strengthen the rule of law and improve the situation of human rights in Côte d'Ivoire,

Reaffirming that it is the responsibility of Côte d'Ivoire to promote and protect all human rights and fundamental freedoms, to investigate alleged violations of human rights and international law and to bring to justice the perpetrators of such acts, who are answerable for their deeds before the judicial process,

Noting with appreciation the report presented by the United Nations High Commissioner for Human Rights[7] as a follow-up to Human Rights Council resolution S-14/1,

1. *Commends* the efforts made by the Economic Community of West African States and the African Union, in particular the decision adopted by the Peace and Security Council of the African Union at its two hundred and fifty-ninth session, held on 28 January 2011, to establish, under the auspices of the African Union, a high-level group for the settlement of the crisis in conditions respecting peace and democracy;

2. *Welcomes* the decision of the above-mentioned high-level group, endorsed by the Peace and Security Council at its meeting of 10 March 2011, recognizing the election of Alassane Ouattara as President of Côte d'Ivoire;

3. *Expresses concern* at the seriousness and extent of the abuses and violations of international human rights law and international humanitarian law;

4. *Reiterates its firm condemnation* of all atrocities and other violations of human rights, threats and acts of intimidation, as well as of acts of obstruction directed at the operations of the United Nations Operation in Côte d'Ivoire, and deeply regrets the loss of life and destruction of property that has occurred in parts of Côte d'Ivoire;

5. *Urges* all media outlets in Côte d'Ivoire, in particular the State-owned corporation Radiodiffusion Télévision Ivoirienne and other public and private media controlled by supporters of Laurent Gbagbo, to refrain from inciting violence, hostility and the propaganda of hate speech, and calls for an end to the restriction on media outlets;

6. *Calls for* an immediate end to the violence, including violence against women, and the respect of all human rights and fundamental freedoms;

7. *Notes with concern* the deteriorating humanitarian situation on the ground, and calls on all Ivorian parties to cooperate fully with United Nations agencies and other actors working to assist refugees and internally displaced persons;

8. *Calls upon* States Members of the United Nations, relevant United Nations agencies and international financial institutions to provide technical assistance and capacity-building to Côte d'Ivoire, upon its request;

9. *Acknowledges* the standing invitation issued by President Ouattara to all United Nations special procedures mandate holders on thematic issues, including the Working Group

[7] A/HRC/16/79.

on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

10. *Decides* to dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, taking into consideration the importance of ensuring the equal participation and full involvement of women, to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010, in order to identify those responsible for such acts and to bring them to justice, and to present its findings to the Council at its seventeenth session, and calls upon all Ivorian parties to cooperate fully with the commission of inquiry;

11. *Decides* to recommend that the General Assembly transmit the findings of the commission of inquiry, when available, to all relevant bodies;

12. *Requests* the United Nations High Commissioner for Human Rights to provide the administrative, technical and logistical support necessary to allow the commission of inquiry to carry out its mandate;

13. *Decides* to transmit the report of the High Commissioner[7] to the General Assembly;

14. *Requests* the High Commissioner to present a report on the situation of human rights in Côte d'Ivoire at its seventeenth session;

15. *Decides* to remain seized of the matter.

47th meeting
25 March 2011

[Adopted without a vote.]

16/32
Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

The Human Rights Council,

Recalling its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2009, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,

Recalling also relevant General Assembly resolutions, including resolution 64/10, adopted on 5 November 2009, and resolution 64/254, adopted on 26 February 2010, in follow-up to the report of the Fact-Finding Mission,

Recalling further the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling the Universal Declaration of Human Rights and other international human rights instruments, including the International Covenant on Civil and Political Rights, the

International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Reaffirming the obligation of all parties to respect international humanitarian law and international human rights law,

Reiterating the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

Stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and lasting peace and stability in the Middle East,

Recalling the report of the Secretary-General submitted to the General Assembly pursuant to paragraph 6 of Assembly resolution 64/10,[8]

Recalling also the report of the Secretary-General on the status of implementation of paragraph 3 of section B of Human Rights Council resolution S-12/1,[9]

1. *Takes note* of the reports of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1,[10] and endorses the recommendations contained therein;

2. *Also takes note* of the reports of the committee of independent experts in international humanitarian and human rights law to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254,[11] and calls for the implementation of its conclusions;

3. *Reiterates its call* upon all concerned parties, including United Nations bodies, to ensure the full and immediate implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

4. *Regrets* the non-cooperation by the occupying power, Israel, with the members of the committee of independent experts, and its failure to comply with the calls of the Human Rights Council and the General Assembly to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, and calls on all the parties to the conflict including the Palestinian side, to take into account the conclusions of the committee;

5. *Welcomes* the efforts made by the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common

[8] A/64/651.
[9] A/HRC/13/55.
[10] A/HRC/13/54 and A/HRC/16/71.
[11] A/HRC/15/50 and A/HRC/16/24.

article 1, bearing in mind the statement adopted on 15 July 1999, as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommends that the Government of Switzerland continue to pursue its efforts with the aim of resuming the above-mentioned conference before September 2011;

6. *Calls upon* the High Commissioner to follow up on the determination of the appropriate modalities for the establishment of an escrow fund for the provision of reparations to Palestinians who suffered loss and damage as a result of unlawful acts attributable to the State of Israel during the military operations conducted from December 2008 to January 2009, also taking into consideration Israelis who suffered loss and damage as a result of unlawful acts attributable to the Palestinian side;

7. *Reiterates its call* to the General Assembly to promote an urgent discussion on the future legality of the use of certain munitions, as referred to in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, drawing on, inter alia, the expertise of the International Committee of the Red Cross;

8. *Recommends* that the General Assembly reconsider the report of the United Nations Fact-Finding Mission on the Gaza Conflict at its sixty-sixth session, and urges the Assembly to submit that report to the Security Council for its consideration and appropriate action, including consideration of referral of the situation in the Occupied Palestinian Territory to the prosecutor of the International Criminal Court, pursuant to article 13 (b) of the Rome Statute;

9. *Also recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action has been taken at the domestic or international level to ensure justice for victims and accountability for perpetrators, and also remain ready to consider whether additional action within its powers is required in the interests of justice;

10. *Requests* the Secretary-General to present a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of Human Rights Council resolution S-12/1, to the Council at its eighteenth session;

11. *Requests* the High Commissioner to submit a progress report on the implementation of the present resolution to the Human Rights Council at its eighteenth session;

12. *Decides* to follow up on the implementation of the present resolution at its nineteenth session.

48th meeting
25 March 2011

[Adopted by a recorded vote of 27 to 3, with 16 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Belgium, Burkina Faso, Cameroon, France, Guatemala, Hungary, Japan, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Spain, Switzerland, Ukraine, Zambia]

17/8
Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant instruments of international human rights law and international humanitarian law,

Taking into account the importance of the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006, reaffirming the fact that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

Deploring deeply the suffering caused by terrorism to the victims and their families, expressing its profound solidarity with them and stressing the importance of providing them with proper assistance,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Reaffirming also the fact that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments,

1. *Recommends* that the General Assembly proclaim 19 August the International Day of Remembrance and Tribute to the Victims of Terrorism;

2. *Invites* all Member States, organizations of the United Nations system and other international organizations, and civil society entities, including non-governmental organizations and individuals, to observe the International Day in an appropriate manner;

3. *Requests* the Secretary-General to bring the present resolution to the attention of all States Members of the United Nations.

33rd meeting
16 June 2011

[Adopted without a vote.]

17/18
Optional Protocol to the Convention on the Rights of the Child on a communications procedure

The Human Rights Council,

Recalling Human Rights Council resolutions 11/1 of 17 June 2009 and 13/3 of 24 March 2010 on the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure,

1. *Welcomes* the work of the Open-ended Working Group and takes note of the report on its second session;[12]

2. *Adopts* the Optional Protocol to the Convention on the Rights of the Child on a communications procedure as contained in the annex to the present resolution;

3. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of Assembly resolution 60/251 of 15 March 2006, adopt the following resolution:

"*The General Assembly*,

Welcoming the adoption by the Human Rights Council, through its resolution 17/18 of 17 June 2011, of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,

1. *Adopts* the Optional Protocol to the Convention on the Rights of the Child on a communications procedure as contained in the annex to the present resolution;

2. *Recommends* that the Optional Protocol be opened for signature at a signing ceremony to be held in 2012, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide the necessary assistance."

34th meeting
17 June 2011

[Adopted without a vote.]

Annex
Optional Protocol to the Convention on the Rights of the Child on a communications procedure

The States parties to the present Protocol,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Noting that the States parties to the Convention on the Rights of the Child (hereinafter referred to as the Convention) recognize the rights set forth in it to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status,

[12] A/HRC/17/36.

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Reaffirming also the status of the child as a subject of rights and as a human being with dignity and with evolving capacities,

Recognizing that children's special and dependent status may create real difficulties for them in pursuing remedies for violations of their rights,

Considering that the present Protocol will reinforce and complement national and regional mechanisms allowing children to submit complaints for violations of their rights,

Recognizing that the best interests of the child should be a primary consideration to be respected in pursuing remedies for violations of the rights of the child, and that such remedies should take into account the need for child-sensitive procedur . at all levels,

Encouraging States parties to develop appropriate national mechanisms to enable a child whose rights have been violated to have access to effective remedies at the domestic level,

Recalling the important role that national human rights institutions and other relevant specialized institutions, mandated to promote and protect the rights of the child, can play in this regard,

Considering that, in order to reinforce and complement such national mechanisms and to further enhance the implementation of the Convention and, where applicable, the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, it would be appropriate to enable the Committee on the Rights of the Child (hereinafter referred to as the Committee) to carry out the functions provided for in the present Protocol,

Have agreed as follows:

Part I
General provisions

Article 1
Competence of the Committee on the Rights of the Child

1. A State party to the present Protocol recognizes the competence of the Committee as provided for by the present Protocol.

2. The Committee shall not exercise its competence regarding a State party to the present Protocol on matters concerning violations of rights set forth in an instrument to which that State is not a party.

3. No communication shall be received by the Committee if it concerns a State that is not a party to the present Protocol.

Article 2
General principles guiding the functions of the Committee

In fulfilling the functions conferred on it by the present Protocol, the Committee shall be guided by the principle of the best interests of the child. It shall also have regard for the rights and views of the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 3
Rules of procedure

1. The Committee shall adopt rules of procedure to be followed when exercising the functions conferred on it by the present Protocol. In doing so, it shall have regard, in particular, for article 2 of the present Protocol in order to guarantee child-sensitive procedures.

2. The Committee shall include in its rules of procedure safeguards to prevent the manipulation of the child by those acting on his or her behalf and may decline to examine any communication that it considers not to be in the child's best interests.

Article 4
Protection measures

1. A State party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to any human rights violation, ill-treatment or intimidation as a consequence of communications or cooperation with the Committee pursuant to the present Protocol.

2. The identity of any individual or group of individuals concerned shall not be revealed publicly without their express consent.

Part II
Communications procedure

Article 5
Individual communications

1. Communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of a State party, claiming to be victims of a violation by that State party of any of the rights set forth in any of the following instruments to which that State is a party:

(a) The Convention;

(b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;

(c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

2. Where a communication is submitted on behalf of an individual or group of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 6
Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned for its urgent consideration a request that the State party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 7
Admissibility

1. The Committee shall consider a communication inadmissible when:

(a) The communication is anonymous;

(b) The communication is not in writing;

(c) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention and/or the Optional Protocols thereto;

(d) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

(e) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;

(f) The communication is manifestly ill-founded or not sufficiently substantiated;

(g) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned, unless those facts continued after that date;

(h) The communication is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit.

Article 8
Transmission of the communication

1. Unless the Committee considers a communication inadmissible without reference to the State party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State party concerned as soon as possible.

2. The State party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that it may have provided. The State party shall submit its response as soon as possible and within six months.

Article 9
Friendly settlement

1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the obligations set forth in the Convention and/or the Optional Protocols thereto.

2. An agreement on a friendly settlement reached under the auspices of the Committee closes consideration of the communication under the present Protocol.

Article 10
Consideration of communications

1. The Committee shall consider communications received under the present Protocol as quickly as possible, in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications received under the present Protocol.

3. Where the Committee has requested interim measures, it shall expedite the consideration of the communication.

4. When examining communications alleging violations of economic, social or cultural rights, the Committee shall consider the reasonableness of the steps taken by the State party in accordance with article 4 of the Convention. In doing so, the Committee shall bear in mind that the State party may adopt a range of possible policy measures for the implementation of the economic, social and cultural rights in the Convention.

5. After examining a communication, the Committee shall, without delay, transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

Article 11
Follow-up

1. The State party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee a written response, including information on any action taken and envisaged in the light of the views and recommendations of the Committee. The State party shall submit its response as soon as possible and within six months.

2. The Committee may invite the State party to submit further information about any measures the State party has taken in response to its views or recommendation or implementation of a friendly settlement agreement, if any, including as deemed appropriate by the Committee, in the State party's subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol on the involvement of children in armed conflict, where applicable.

Article 12
Inter-State communications

1. A State party to the present Protocol may, at any time, declare that it recognizes the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under any of the following instruments to which the State is a party:

(a) The Convention;

(b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;

(c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

2. The Committee shall not receive communications concerning a State party that has not made such a declaration or communications from a State party that has not made such a declaration.

3. The Committee shall make available its good offices to the States parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Convention and the Optional Protocols thereto.

4. A declaration under paragraph 1 of the present article shall be deposited by the States parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communications by any State party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party concerned has made a new declaration.

Part III
Inquiry procedure

Article 13
Inquiry procedure for grave or systematic violations

1. If the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention or in the Optional Protocols thereto on the sale of children, child prostitution and child pornography or on the involvement of children in armed conflict, the Committee shall invite the State party to cooperate in the examination of the information and, to this end, to submit observations without delay with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State party concerned, as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State party, the inquiry may include a visit to its territory.

3. Such an inquiry shall be conducted confidentially, and the cooperation of the State party shall be sought at all stages of the proceedings.

4. After examining the findings of such an inquiry, the Committee shall transmit without delay these findings to the State party concerned, together with any comments and recommendations.

5. The State party concerned shall, as soon as possible and within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

6. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2 of the present article, the Committee may, after consultation with the State party concerned, decide to include a summary account of the results of the proceedings in its report provided for in article 16 of the present Protocol.

7. Each State party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in the present article in respect of the rights set forth in some or all of the instruments listed in paragraph 1.

8. Any State party having made a declaration in accordance with paragraph 7 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General of the United Nations.

Article 14
Follow-up to the inquiry procedure

1. The Committee may, if necessary, after the end of the period of six months referred to in article 13, paragraph 5, invite the State party concerned to inform it of the measures taken and envisaged in response to an inquiry conducted under article 13 of the present Protocol.

2. The Committee may invite the State party to submit further information about any measures that the State party has taken in response to an inquiry conducted under article 13, including as deemed appropriate by the Committee, in the State's party subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict, where applicable.

Part IV
Final provisions

Article 15
International assistance and cooperation

1. The Committee may transmit, with the consent of the State party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, together with the State party's observations and suggestions, if any, on these views or recommendations.

2. The Committee may also bring to the attention of such bodies, with the consent of the State party concerned, any matter arising out of communications considered under the present Protocol that may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States parties in achieving progress in the implementation of the rights recognized in the Convention and/or the Optional Protocols thereto.

Article 16
Report to the General Assembly

1. The Committee shall include in its report submitted every two years to the General Assembly in accordance with article 44 (5) of the Convention a summary of its activities under the present Protocol.

Article 17
Dissemination and information on the Optional Protocol

1. Each State party undertakes to make widely known and to disseminate the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular with regard to matters involving the State party, by appropriate and active means and in accessible formats to adults and children alike, including those with disabilities.

Article 18
Signature, ratification and accession

1. The present Protocol is open for signature to any State that has signed, ratified or acceded to the Convention or either of the first two Optional Protocols thereto.

2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General.

Article 19
Entry into force

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 20
Violations occurring after the entry into force

1. The Committee shall have competence solely in respect of violations by the State party of any of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol.

2. If a State becomes a party to the present Protocol after its entry into force, the obligations of that State vis-à-vis the Committee shall relate only to violations of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol for the State concerned.

Article 21
Amendments

1. Any State party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States parties with a request to be notified whether they favour a meeting of States parties for the purpose of considering and deciding upon the proposals. In the event that, within four months of the date of such communication, at least one third of the States parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and, thereafter, to all States parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States parties that have accepted it.

Article 22
Denunciation

1. Any State party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 5 or 12 or any inquiry initiated under article 13 before the effective date of denunciation.

Article 23
Depositary and notification by the Secretary-General

1. The Secretary-General of the United Nations shall be the depositary of the present Protocol.

2. The Secretary-General shall inform all States of:

(a) Signatures, ratifications and accessions under the present Protocol;

(b) The date of entry into force of the present Protocol and of any amendment thereto under article 21;

(c) Any denunciation under article 22.

Article 24
Languages

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

17/21
Assistance to Côte d'Ivoire in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and relevant human rights treaties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolution S-14/1, adopted by the Council on 23 December 2010 at its special session on the situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election, and Council resolution 16/25 of 25 March 2011, in which it decided to dispatch an independent, international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuse and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010,

Reaffirming that all States are bound to promote and protect all human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights and international human rights treaties to which they are party,

Reaffirming also that it is the responsibility of States to promote and protect all human rights and fundamental freedoms, to investigate alleged violations of international law committed by all parties, including alleged violations of human rights law, and to bring to justice the perpetrators of such acts, regardless of their political affiliation or military rank,

Welcoming the role played by the international community, in particular the African Union and the Economic Community of West African States, in efforts to put an end to violence, halt clashes and take action to strengthen the respect of democratic rules and the rule of law, and to improve the situation of human rights in Côte d'Ivoire,

Welcoming also the decision of the Ivorian authorities to invite the commission of inquiry to Côte d'Ivoire to investigate the facts and circumstances relevant to incidents that took place following the presidential election of 28 November 2010,

Taking note of the reports presented by the commission of inquiry[13] and by the United Nations High Commissioner for Human Rights[14] as a follow-up to Human Rights Council resolution 16/25,

Noting that, while the situation of human rights and security in Côte d'Ivoire has substantially improved, significant challenges remain,

1. *Welcomes* the investiture on 21 May 2011 of Alassane Ouattara as President of Côte d'Ivoire, in accordance with the will of the Ivorian people as expressed in the presidential election of 28 November 2010 and as recognized by the international community;

2. *Calls for* an immediate end to violence in Côte d'Ivoire, including violence against women and the ongoing localized violence in some parts of the country, and for respect of all human rights and fundamental freedoms;

3. *Notes with concern* the humanitarian situation on the ground, and calls on United Nations agencies and other relevant actors to continue to cooperate with the Government of Côte d'Ivoire to provide human rights protection and to give appropriate support to refugees and internally displaced persons in order to facilitate their safe and voluntary return to their homes;

4. *Urges* the Government of Côte d'Ivoire to promote and protect human rights and fundamental freedoms for all, in particular by taking measures to end and address the underlying causes of human rights violations, such as arbitrary detention and violence against women and children, and to ensure that victims of sexual violence receive adequate medical and psychological assistance and redress, and that the perpetrators of such violence are brought to justice;

5. *Takes note* of the recommendations of the international commission of inquiry and also the measures taken by Côte d'Ivoire, in a sovereign manner, relevant to the implementation of its recommendations, as follows:

(a) The establishment of a dialogue, truth and reconciliation commission with full and equal participation of women to enhance peace for the people of Côte d'Ivoire;

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[13] A/HRC/17/48.

[14] A/HRC/17/49.

(b) The opening of prosecution of suspects by national judiciary and military tribunals;

(c) The acceptance by Côte d'Ivoire of the jurisdiction of the International Criminal Court and the request submitted by President Ouattara to the Prosecutor of the Court to conduct an investigation into the most serious crimes committed in Côte d'Ivoire;

(d) The commitment of Côte d'Ivoire to ratify the Rome Statute of the International Criminal Court;

6. *Welcomes* the work undertaken by the commission of inquiry in carrying out its mandate;

7. *Invites* the Government of Côte d'Ivoire to collaborate with the international community in improving the human rights situation and to make efforts to implement the recommendations of the commission of inquiry;

8. *Decides* to transmit the reports of the commission of inquiry and of the United Nations High Commissioner for Human Rights to the General Assembly;

9. *Also decides* to recommend that the General Assembly transmit the reports of the commission of inquiry to all relevant bodies of the United Nations;

10. *Further decides* to establish the mandate of independent expert on the situation of human rights in Côte d'Ivoire for a period of one year, who will be responsible for assisting the Government of Côte d'Ivoire and relevant actors in the follow-up to the implementation of the recommendations of the commission of inquiry and of the resolutions of the Human Rights Council, including the recommendations addressed to the international community, especially the Office of the High Commissioner and relevant United Nations agencies;

11. *Requests* the independent expert to engage with the Ivorian authorities and the human rights sections of the Economic Community of West African States, the African Union and the United Nations Operation in Côte d'Ivoire, and to submit a report to the Human Rights Council for consideration at its nineteenth session;

12. *Requests* the High Commissioner to provide the independent expert with all the assistance necessary to discharge the mandate fully;

13. *Calls on* the High Commissioner to provide technical assistance for the establishment and functioning of the dialogue, truth and reconciliation commission of Côte d'Ivoire, and to work with the Government of Côte d'Ivoire and other actors, as necessary, to identify additional areas of assistance to enable Côte d'Ivoire to fulfil its human rights obligations;

14. *Calls upon* States Members of the United Nations, in the framework of international cooperation, relevant United Nations agencies and international financial institutions to provide Côte d'Ivoire, upon its request, with appropriate technical assistance and capacity-building in order to:

(a) Promote respect for human rights, combat impunity and reform security and justice sectors, including the achievement of the Millennium Development Goals;

(b) Support the Government's efforts relating to national reconstruction and reconciliation, and transitional justice mechanisms in particular;

(c) Support the national human rights commission to ensure its independence, in line with the Paris principles, with a view to protecting and promoting the fundamental rights of Ivorians;

15. *Requests* the Secretary-General to continue to provide the United Nations Operation in Côte d'Ivoire with support, in particular with the relevant material and human resources for its human rights section to enhance its operational capacity;

16. *Requests* the High Commissioner to present an updated report on the situation of human rights in Côte d'Ivoire to the Human Rights Council for consideration at its eighteenth session;

17. *Decides* to remain seized of the matter under agenda item 10.

34th meeting
17 June 2011

[Adopted without a vote.]

S-15/1
Situation of human rights in the Libyan Arab Jamahiriya

The Human Rights Council,

Reaffirming the Charter of the United Nations, the Universal Declaration of Human Rights, relevant international human rights instruments and international law,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 and 5/2 of 18 June 2007,

Expressing deep concern at the deaths of hundreds of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan Government,

Reaffirming that all States have an obligation to protect the rights to life, liberty and security of person,

Reaffirming also the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all,

Reaffirming further that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights and that the General Assembly may suspend the rights of membership in the Council of a Member State that commits gross and systematic violations of human rights,

Supporting the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights, in particular the latter's statement of 22 February 2011, in which she called for an international investigation into Libyan violence and justice for victims,

Supporting also the press statement of the Security Council on Libya of 22 February 2011,

Supporting further the statement issued by the Council of the League of Arab States on 22 February 2011, the statement of the Secretary-General of the Organization of the Islamic Conference of 20 February 2011, the communiqué of the 261st Meeting of the Peace and Security Council of the African Union, and the relevant conclusions of the European Union Foreign Affairs Council of 21 February 2011,

1. *Expresses deep concern* with the situation in Libya and strongly condemns the recent gross and systematic human rights violations committed in that country, including the indiscriminate armed attacks against civilians, extrajudicial killings, arbitrary arrests, detention and torture of peaceful demonstrators, some of which may also amount to crimes against humanity;

2. *Strongly calls upon* the Government of Libya to meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop any attacks against civilians and to respect fully all human rights and fundamental freedoms, including freedom of expression and freedom of assembly;

3. *Also strongly calls upon* the Government of Libya to immediately release all arbitrarily detained persons, including those who were detained before the recent events, as well as to immediately cease intimidation, persecution and arbitrary arrests of individuals, including lawyers, human rights defenders and journalists;

4. *Urges* the Libyan authorities to ensure the safety of all civilians, including citizens of third countries, to refrain from any reprisals against people who have taken part in the demonstrations, to facilitate the departure of those foreign nationals wishing to leave the country and to allow the provision of urgent humanitarian assistance to those in need;

5. *Also urges* the Libyan authorities to immediately cease the blocking of public access to the Internet and to telecommunications networks;

6. *Further urges* the Libyan authorities to respect the popular will, aspirations and demands of its people and to make their utmost effort to prevent further deterioration of the crisis and to promote a peaceful solution ensuring safety for all civilians and stability for the country;

7. *Recalls* the importance of accountability and the need to fight against impunity and in this regard, stresses the need to hold to account those responsible for attacks in Libya, including by forces under Government control, on civilians;

8. *Urgently calls* for an open, inclusive, meaningful and national dialogue aimed at systemic changes responding to the will of the Libyan people and at the promotion and protection of their human rights;

9. *Reminds* the Government of Libya to respect its commitment as a State Member of the Human Rights Council to uphold the highest standards in the promotion and protection of human rights and to cooperate fully with the Council and its special procedures;

10. *Calls on* the Libyan authorities to guarantee access to human rights and humanitarian organizations, including human rights monitors;

11. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all alleged violations of international human rights law in Libya, to establish the facts and circumstances of such violations and of the crimes perpetrated, and, where possible to identify those responsible, to make recommendations, in particular, on accountability measures, all with a view to ensuring that those individuals responsible are held accountable, and to report to the Council at its seventeenth session, and calls upon the Libyan authorities to fully cooperate with the commission;

12. *Requests* the Secretary-General and the High Commissioner to provide all the administrative, technical and logistical assistance required to enable the above-mentioned commission of inquiry to fulfil its mandate;

13. *Requests* the High Commissioner to provide an oral update on the human rights situation in Libya to the Human Rights Council at its sixteenth session, and to submit a follow-up report to the Council at its seventeenth session, as well as to organize an interactive dialogue on the human rights situation in Libya during the seventeenth session;

14. *Recommends* that the General Assembly, in view of the gross and systematic violations of human rights committed by the Libyan authorities, consider applying the measures foreseen by the Assembly in paragraph 8 of its resolution 60/251;

15. *Decides* to remain seized of the matter.

2nd meeting
25 February 2011

[Adopted without a vote.]

S-16/1 - The current human rights situation in the Syrian Arab Republic in the context of recent events

The Human Rights Council,

Guided by the Charter of the United Nations and General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, and that all States are bound to promote and protect human rights and fundamental freedoms,

Recalling article 4 of the International Covenant on Civil and Political Rights with regard to rights that may not be derogated from under any circumstances, even in a public emergency,

Expressing deep regret at the death of hundreds of people in connection with the recent and ongoing political protests in the Syrian Arab Republic, and grave concern at alleged deliberate killings, arrests and instances of torture of peaceful protesters by the Syrian authorities,

Noting the recent statement made by the Secretary-General, in which he called for an independent, transparent and effective investigation into the situation in the Syrian Arab Republic,

Noting also the recent statements made by the United Nations High Commissioner for Human Rights and certain United Nations special procedures mandate holders with regard to the situation in the Syrian Arab Republic, in which they called for an end to the killings, as well as for accountability, protection of human rights defenders and respect for freedom of expression,

Noting further the stated intention of the Syrian Arab Republic to take steps for reform, and urging that country to take urgent and concrete measures to meet the legitimate demands of its people, including by enlarging the scope of political participation and dialogue, following through on the abolition of the High State Security Court and lifting measures restricting the exercise of fundamental freedoms,

Reaffirming that all States Members of the United Nations should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

1. *Unequivocally condemns* the use of lethal violence against peaceful protesters by the Syrian authorities and the hindrance of access to medical treatment, urges the Government of the Syrian Arab Republic to immediately put an end to all human rights violations, protect its population and respect fully all human rights and fundamental freedoms, including freedom of expression and freedom of assembly, and also urges the authorities to allow access to the Internet and telecommunications networks and to lift censorship on reporting, including by allowing appropriate access by foreign journalists;

2. *Calls upon* the Government of the Syrian Arab Republic to release immediately all prisoners of conscience and arbitrarily detained persons, including those who were detained before the recent events, as well as to cease immediately any intimidation, persecution and arbitrary arrests of individuals, including lawyers, human rights defenders and journalists;

3. *Urges* the Syrian authorities to refrain from any reprisals against people who have taken part in peaceful demonstrations and to allow the provision of urgent assistance to those in need, including by guaranteeing appropriate access to human rights and humanitarian organizations;

4. *Stresses* the need for the Syrian authorities to launch a credible and impartial investigation, in accordance with international standards, and to prosecute those responsible for attacks on peaceful protesters in the Syrian Arab Republic, including by forces under Government control;

5. *Urges* the Syrian authorities to enlarge the scope of political participation aimed at ensuring civil liberties and enhancing social justice;

6. *Encourages* relevant thematic special procedures mandate holders, within their respective mandates, to pay particular attention to the human rights situation in the Syrian Arab Republic, and urges the Syrian authorities to cooperate with these thematic mandate holders, including by allowing country visits;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to dispatch urgently a mission to the Syrian Arab Republic to investigate all alleged violations of international human rights law and to establish the facts and circumstances of such violations and of the crimes perpetrated, with a view to avoiding impunity and ensuring full accountability, and to provide a preliminary report and oral update on the situation of human rights in the Syrian Arab Republic to the Human Rights Council at its seventeenth session, and to submit a follow-up report to the Council at its eighteenth session, and also requests the High Commissioner to organize an interactive dialogue on the situation of human rights in the Syrian Arab Republic during the eighteenth session of the Council;

8. *Calls upon* the Government of the Syrian Arab Republic to cooperate fully with and grant access to personnel from the mission dispatched by the Office of the High Commissioner;

9. *Requests* the Secretary-General and the High Commissioner to provide all the administrative, technical and logistical assistance required to enable the mission to fulfil its mandate;

10. *Decides* to remain seized of the matter.

2nd meeting
29 April 2011

[Adopted by a recorded vote of 26 to 9, with 7 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Brazil, Burkina Faso, Chile, France, Ghana, Guatemala, Hungary, Japan, Kyrgyzstan, Maldives, Mauritius, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Senegal, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia

Against:

Bangladesh, China, Cuba, Ecuador, Gabon, Malaysia, Mauritania, Pakistan, Russian Federation

Abstaining:

Cameroon, Djibouti, Nigeria, Saudi Arabia, Thailand, Uganda, Ukraine]

S-17/1
Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, and that all States are bound to promote and protect human rights and fundamental freedoms,

Recalling article 4 of the International Covenant on Civil and Political Rights with regard to rights that may not be derogated from under any circumstances, even in a public emergency,

Recalling also General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011,

Recalling further Human Rights Council resolution S-16/1 of 29 April 2011 on the human rights situation in the Syrian Arab Republic in the context of recent events,

Recalling the statement by the President of the Security Council S/PRST/2011/16 of 3 August 2011,

Taking note of the fact that the United Nations High Commissioner for Human Rights briefed the Security Council on the situation of human rights in the Syrian Arab Republic on 18 August 2011,

Taking note also of the recent statements by the Secretary-General and the High Commissioner and of the joint statement of the Human Rights Council special procedures mandate holders of 5 August 2011 on the human rights violations in the Syrian Arab Republic,

Noting the statements of the Secretary-General of the Organization of Islamic Cooperation of 14 August 2011 and of the Secretary-General of the League of Arab States of

7 August 2011, in which they expressed their concerns over the situation of human rights in the Syrian Arab Republic,

Reaffirming that all States Members of the United Nations should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

1. *Strongly condemns* the continued grave and systematic human rights violations by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters and human rights defenders, arbitrary detention, enforced disappearances, torture and ill-treatment of detainees, including of children;

2. *Welcomes* the publication of the report of the fact-finding mission dispatched by the Office of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution S-16/1, A/HRC/18/53 and expresses profound concern about its findings, including that there were patterns of human rights violations that may amount to crimes against humanity;

3. *Deplores* the continued indiscriminate attacks on the Syrian population, and calls upon the Syrian authorities to cease immediately all acts of violence against it;

4. *Calls upon* the Syrian authorities to immediately put an end to all human rights violations, to protect the population and to fully comply with their obligations under international human rights law, and calls for an immediate end to all violence in the Syrian Arab Republic;

5. *Calls upon* the Government of the Syrian Arab Republic to release immediately all prisoners of conscience and arbitrarily detained persons, as well as to cease immediately any intimidation, persecution and arbitrary arrests of individuals, including journalists, lawyers and human rights defenders;

6. *Urges* the Syrian authorities to allow independent media to operate in the Syrian Arab Republic without undue restrictions, to allow access to the Internet and telecommunications networks for all and to lift censorship on reporting;

7. *Expresses concern* at the humanitarian situation and urges the Syrian authorities to ensure timely, safe and unhindered access for all humanitarian agencies and workers and to ensure the safe passage of humanitarian and medical supplies into the country;

8. *Calls for* a Syrian-led political process and for an inclusive, credible and genuine national dialogue conducted in an environment without fear and intimidation with the aim of effectively addressing the legitimate aspirations and concerns of the Syrian population aimed at the promotion and protection of their human rights;

9. *Regrets* that previous calls for a genuine dialogue have not been answered and also the lack of progress in the implementation of the announced commitments of political reform by the Syrian authorities;

10. *Reinforces its call* upon the Syrian authorities to cooperate fully with the Office of the High Commissioner and Human Rights Council mechanisms, and expresses its deep regret over the non-compliance by the Syrian authorities with Council resolution S-16/1 and the non-cooperation with the Office's fact-finding mission;

11. *Encourages* relevant thematic special procedures mandate holders, within their respective mandates, to continue to pay particular attention to the situation of human rights in

the Syrian Arab Republic, and urges the Syrian authorities to cooperate with those mandate holders, including by allowing country visits;

12. *Stresses the need* for an international, transparent, independent and prompt investigation into violations of international law, including international human rights law, and to hold those responsible to account;

13. *Decides* to dispatch urgently an independent international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable;

14. *Requests* that the report of the above-mentioned commission of inquiry be made public as soon as possible and, in any case, before the end of November 2011, and also requests the commission of inquiry to present a written update to the report on the situation in the Syrian Arab Republic in an interactive dialogue at the nineteenth session of the Human Rights Council with the participation of the High Commissioner;

15. *Decides* to transmit the report of the commission of inquiry and update thereto to the General Assembly and recommends that the Assembly transmit the reports to all relevant bodies of the United Nations;

16. *Calls upon* the Syrian authorities to cooperate fully with the commission of inquiry;

17. *Requests* the Secretary-General and the High Commissioner to provide the full administrative, technical and logistical support needed to enable the commission of inquiry to carry out its mandate;

18. *Requests* the High Commissioner to report on the implementation of the present resolution to the Human Rights Council at its nineteenth session;

19. *Decides* to remain seized of the matter.

2nd meeting
23 August 2011

[Adopted by a recorded vote of 33 to 4, with 9 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Botswana, Burkina Faso, Chile, Congo, Costa Rica, Czech Republic, Guatemala, Hungary, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Maldives, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Ecuador, Russian Federation

Abstaining:

Angola, Bangladesh, Cameroon, Djibouti, India, Malaysia, Mauritania, Philippines, Uganda]

II. Sixteenth session

A. Resolutions

16/1
United Nations Declaration on Human Rights Education and Training

[See chapter I.]

16/2
The human right to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous resolutions of the Human Rights Council on human rights and access to safe drinking water and sanitation, inter alia, resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009 and 15/9 of 30 September 2010,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognizes the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights,

Recalling also the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling further relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21 and the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in June 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/217 of 23 December 2003 proclaiming the International Decade for Action, "Water for Life" (2005–2015),

Noting with interest relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Abuja Declaration, adopted at the first Africa-South America Summit, in 2006, the message from Beppu, adopted at the first Asia-Pacific Water Summit, in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation, in 2008, and the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, in 2009,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation") and the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals entitled "Keeping the promise: united to achieve the Millennium Development Goals",

Deeply concerned that approximately 884 million people lack access to improved water sources and that more than 2.6 billion people do not have access to improved sanitation as defined by the World Health Organization and the United Nations Children's Fund in their 2010 Joint Monitoring Programme report, and alarmed that, every year, approximately 1.5 million children under 5 years of age die and 443 million school days are lost as a result of water- and sanitation-related diseases,

Affirming the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

Recalling Council resolutions 5/1, on institution-building of the United Nations Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the recognition of the human right to safe drinking water and sanitation by the General Assembly and the Human Rights Council, and the affirmation by the latter that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

2. *Also welcomes* the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, including the progress in collecting good practices for her compendium,[15] the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports and compilation of good practices, as well as the undertaking of country missions;

3. *Taking note with interest* of the statement of the Committee on Economic, Social and Cultural Rights on the right to sanitation,[16] as a complement to the Committee's general comment No. 15;[17]

4. *Decides* to extend the mandate of the current mandate holder as a special rapporteur on the human right to safe drinking water and sanitation for a period of three years;

5. *Encourages* the Special Rapporteur, in fulfilling his or her mandate:

(a) To promote the full realization of the human right to safe drinking water and sanitation by, inter alia, continuing to give particular emphasis to practical solutions with regard to its implementation, in particular in the context of country missions, and following the criteria of availability, quality, physical accessibility, affordability and acceptability;

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[15] A/HRC/15/31/Add.1.

[16] E/C.12/2010/1.

[17] E/C.12/2002/11.

(b) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;

(c) To work on identifying challenges and obstacles to the full realization of the human right to safe drinking water and sanitation, as well as protection gaps thereto, and to continue to identify good practices and enabling factors in this regard;

(d) To monitor the way in which the human right to safe drinking water and sanitation is being realized throughout the world;

(e) To continue the mutual dialogue with Governments and where appropriate, with local authorities, organizations and bodies of the United Nations system, other relevant international and regional organizations, non-governmental organizations and other concerned stakeholders, such as indigenous peoples;

(f) To make recommendations for goals beyond the 2015 Millennium Development Goals process with special regard to the full realization of the human right to safe drinking water and sanitation, and also to continue to make more recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7, as appropriate;

(g) To continue to work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies, the treaty bodies and regional human rights mechanisms;

(h) To continue to report, on an annual basis, to the Human Rights Council and to the General Assembly;

(i) To facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the human right to safe drinking water and sanitation;

6. *Encourages* all Governments to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on recommendations of the mandate holder and to make available information on measures taken in this regard;

7. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system, international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and action plans related to the enjoyment of access to safe drinking water and sanitation;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of his or her mandate;

9. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

45th meeting
24 March 2011

[Adopted without a vote.]

16/3
Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind

The Human Rights Council,

Guided by the purposes and principles set forth in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and that everyone is entitled to the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Guided by the Vienna Declaration and Programme of Action, which reaffirms, inter alia, the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law, and that the universal nature of these rights and freedoms is beyond question,

Reiterating that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Reaffirming, that all cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards,

Stressing that traditions shall not be invoked to justify harmful practices violating universal human rights norms and standards,

Recalling Human Rights Council resolution 12/21 of 2 October 2009,

1. *Welcomes* the holding on 4 October 2010 of a workshop for an exchange of views on how a better understanding of traditional values of humankind underpinning international human rights norms and standards can contribute to the promotion and protection of human rights and fundamental freedoms;

2. *Also welcomes* the report of the Office of the United Nations High Commissioner for Human Rights containing the summary of the discussions held at the said workshop;[18]

3. *Affirms* that dignity, freedom and responsibility are traditional values, shared by all humanity and embodied in universal rights instruments;

4. *Recognizes* that the better understanding and appreciation of these values contribute to promoting and protecting human rights and fundamental freedoms;

5. *Notes* the important role of family, community, society and educational institutions in upholding and transmitting these values, which contributes to promoting respect

[18] A/HRC/16/37.

for human rights and increasing their acceptance at the grass roots, and calls upon all States to strengthen this role through appropriate positive measures;

6. *Requests* the Human Rights Council Advisory Committee to prepare a study on how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights, and to present that study to the Council before its twenty-first session;

7. *Decides* to remain seized of the matter.

45th meeting
24 March 2011

[Adopted by a recorded vote of 24 to 14, with 7 abstentions. The voting was as follows:

In favour:

Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ecuador, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Zambia

Against:

Belgium, France, Hungary, Japan, Mauritius, Mexico, Norway, Poland, Republic of Korea, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Argentina, Brazil, Chile, Guatemala, Republic of Moldova, Ukraine, Uruguay]

16/4
Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

The Human Rights Council,

Recalling Human Rights Council resolutions 7/36 of 28 March 2008 and 12/16 of 2 October 2009, and all previous resolutions of the Commission on Human Rights and the Council on the right to freedom of opinion and expression,

Recognizing that the effective exercise of the right to freedom of opinion and expression, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, is essential for the enjoyment of other human rights and freedoms, and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

2. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years;

3. *Urges* all States to cooperate fully with and assist the Special Rapporteur in the performance of his/her tasks, to provide all necessary information requested by him/her and to consider favourably his/her requests for visits and for implementing his/her recommendations;

4. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his/her mandate, in particular by placing adequate human and material resources at his/her disposal;

5. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to his/her mandate, with a view to maximizing the benefits of the reporting process;

6. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

45th meeting
24 March 2011

[Adopted without a vote.]

16/5
Mandate of the Special Rapporteur on the situation of human rights defenders

The Human Rights Council,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, in particular Commission on Human Rights resolution 2005/67 of 20 April 2005, Human Rights Council resolutions 7/8 of 27 March 2008 and 13/13 of 25 March 2010, and General Assembly resolution 64/163 of 18 December 2009,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Emphasizing the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play in the promotion and protection of all human rights and fundamental freedoms for all,

1. *Takes note with appreciation* of the work conducted by the Special Rapporteur on the situation of human rights defenders;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To promote the effective and comprehensive implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through cooperation and constructive dialogue and engagement with Governments, relevant stakeholders and other interested actors;

(b) To study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(c) To recommend concrete and effective strategies to better protect human rights defenders through the adoption of a universal approach, and to follow up on these recommendations;

(d) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(e) To integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders;

(f) To work in close coordination with other relevant United Nations bodies, offices, departments and specialized agencies, both at Headquarters and at the country level, and in particular with other special procedures of the Council;

(g) To report regularly to the Human Rights Council and the General Assembly;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his/her tasks, to provide all information and to respond to the communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his/her recommendations so as to enable him/her to fulfil his/her mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his/her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

45th meeting
24 March 2011

[Adopted without a vote.]

16/6
Mandate of the independent expert on minority issues

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and bearing in mind article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling also all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities, including Assembly resolution 63/174 of 18 December 2008, Commission resolution 2005/79 of 21 April 2005, and Council resolutions 6/15 of 28 September 2007, 7/6 of 27 March 2008, and 13/12 of 25 March 2010,

Noting that 2012 will mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Stressing that the economic exclusion of persons belonging to national or ethnic, religious and linguistic minorities is a cause, a manifestation and a consequence of discrimination, both in the developed and in the developing world, and that their rights to participate effectively in economic life must be taken into account by Governments seeking to promote equality at all levels,

Recognizing the importance of the full enjoyment of the rights of persons belonging to national or ethnic, religious and linguistic minorities for stability and the prevention of conflicts,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately from the effects of conflict, resulting in the violation of their human rights, and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the report of the independent expert on minority issues[19] and its special focus on the role of the protection of minority rights in conflict prevention;

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic

[19] A/HRC/16/45.

minorities[20] and of the compilation of United Nations manuals, guides, training material and other tools on minority issues,[21] submitted to the Council at its sixteenth session;

3. *Commends* the independent expert on minority issues for her work and for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations;

4. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations that have given special attention to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and have supported the work of the independent expert;

5. *Also expresses its appreciation* for the successful completion of the first three sessions of the Forum on Minority Issues, addressing the right to education, the right to effective political participation and the right to effective participation in economic life and which, through the widespread participation of stakeholders, has provided an important platform for promoting dialogue on these topics, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

6. *Commends* the Forum for its contribution to the efforts of the High Commissioner to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities relating to the promotion and protection of the rights of persons belonging to minorities, including at the regional level;

7. *Welcomes* the inter-agency cooperation of United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges them to increase their cooperation further by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, drawing also on relevant outcomes of the meetings of the Forum;

8. *Invites* the human rights treaty bodies and special procedures of the Council to continue to give attention, within their respective mandates, to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

9. *Decides* to extend the mandate of the independent expert on minority issues for a period of three years, and requests the independent expert:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation with the Office of the High Commissioner, at the request of Governments;

(c) To apply a gender perspective in his/her work;

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[20] A/HRC/16/39.

[21] A/HRC/16/29.

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his/her mandate;

(f) To guide the work of the Forum on Minority Issues, as decided by the Council in its resolution 6/15;

(g) To submit annual reports on his/her activities to the Council, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;

10. *Calls upon* all States to cooperate with and assist the independent expert in the performance of the tasks and duties mandated to him/her, to provide him/her with all the necessary information requested and to seriously consider responding promptly and favourably to the request of the independent expert to visit their countries in order to enable him/her to fulfil his/her duties effectively;

11. *Encourages* specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder;

12. *Invites* the Office of the High Commissioner, the independent expert and relevant United Nations agencies, within existing resources, as well as Member States, to explore possibilities for organizing activities to mark the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the independent expert;

14. *Decides* to continue its consideration of this issue in accordance with its annual programme of work.

45th meeting
24 March 2011

[Adopted without a vote.]

16/7
Mandate of the Special Rapporteur on violence against women, its causes and consequences

The Human Rights Council,

Reaffirming Commission on Human Rights resolution 1994/45 of 4 March 1994, in which the Commission decided to appoint a special rapporteur on violence against women, its causes and consequences,

Reaffirming also Human Rights Council resolution 7/24 of 28 March 2008,

Reaffirming further Human Rights Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system, all resolutions of the Commission on Human Rights and of the Council on the elimination of violence

against women, all General Assembly resolutions relevant to the elimination of all forms of violence against women, and recalling the Security Council resolutions on women, peace and security,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences;

2. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequences, for a period of three years;

3. *Invites* the Special Rapporteur, in carrying out his/her mandate within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women and the Beijing Declaration and Platform for Action:

(a) To seek and receive information on violence against women, its causes and its consequences, from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions, and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;

(b) To recommend measures, ways and means at the local, national, regional and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences;

(c) To work closely with all special procedures and other human rights mechanisms of the Human Rights Council and with the treaty bodies, taking into account the request of the Council that they regularly and systematically integrate the human rights of women and a gender perspective into their work, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;

(d) To continue to adopt a comprehensive and universal approach to the elimination of violence against women, its causes and consequences, including causes of violence against women relating to the civil, cultural, economic, political and social spheres;

4. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur, and calls upon Governments to continue to cooperate with and assist the Special Rapporteur in the discharge of his/her mandate, including by supplying requested information and responding to communications without undue delay; to engage in a constructive dialogue with the Special Rapporteur with regard to the implementation of his/her recommendations; and to give serious consideration to responding favourably to requests for visits;

5. *Requests* the Special Rapporteur to report to the Human Rights Council in accordance with its annual programme of work;

6. *Requests* special procedures, and invites United Nations organs and bodies, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, specialized agencies and intergovernmental organizations, treaty bodies and relevant civil society actors to give consideration to the prevention and elimination of all forms of violence

against women and girls in their respective work, and to cooperate with and assist the Special Rapporteur in the fulfilment of his/her mandate;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Special Rapporteur with all assistance necessary for the effective fulfilment of his/her mandate, in particular staff and resources, including to carry out and follow up on missions;

8. *Requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women, the General Assembly and the Committee on the Elimination of Discrimination against Women, and requests the Special Rapporteur to present an oral report annually to the Commission;

9. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

45th meeting
24 March 2011

[Adopted without a vote.]

16/8
Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 13/14 of 25 March 2010 and Assembly resolution 65/225 of 21 December 2010, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Welcoming the reports submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[22] and urging the implementation of the recommendations contained therein,

Deeply concerned at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea and at the unresolved questions of international concern relating to the abduction of nationals of other States, and urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

[22] A/65/364 and A/HRC/16/58.

Deploring the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps for political prisoners and repatriated citizens of the Democratic People's Republic of Korea,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him and allow him access to the country,

Expressing its serious concern at the refusal of the Government of the Democratic People's Republic of Korea to articulate, by the time of the adoption by the Human Rights Council of the outcome report of its universal periodic review[23] in March 2010, which recommendations enjoyed its support, and regretting the lack of action taken by the Democratic People's Republic of Korea to date to implement the recommendations contained in that report,

Alarmed by the precarious humanitarian situation in the country, exacerbated by its national policy priorities,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring access to adequate food,

Recognizing the particular vulnerability of women, children, persons with disabilities and the elderly, and the need to ensure their protection against neglect, abuse, exploitation and violence,

Reaffirming the importance of States' engaging fully and constructively with the universal periodic review process and with other mechanisms of the Human Rights Council for the improvement of their human rights situations,

1. *Expresses its very serious concern* at the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 13/14, for a period of one year;

4. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all information necessary to enable him to fulfil his mandate;

5. *Also urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring;

6. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations, to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

7. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure

[23] A/HRC/13/13.

that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

8. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Human Rights Council and to the General Assembly.

45th meeting
24 March 2011

[Adopted by a recorded vote of 30 to 3, with 11 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Brazil, Burkina Faso, Chile, Djibouti, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Maldives, Mauritius, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia

Against:

China, Cuba, Russian Federation

Abstaining:

Angola, Bangladesh, Cameroon, Ecuador, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Senegal, Uganda]

16/9
Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 65/226 of 21 December 2010, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Assembly made in that resolution,

Welcoming the interim report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,[24] and expressing serious concern at the developments noted in that report,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to appoint a special rapporteur on the situation of human rights in the Islamic Republic of Iran, to report to the Human Rights Council and to the General Assembly, to present an interim report to the Assembly at its sixty-sixth session and to submit a report to the Council for its consideration at its nineteenth session;

[24] A/HRC/16/75.

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country as well as all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

45th meeting
24 March 2011

[Adopted by a recorded vote of 22 to 7, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Brazil, Chile, France, Guatemala, Hungary, Japan, Maldives, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Senegal, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia

Against:

Bangladesh, China, Cuba, Ecuador, Mauritania, Pakistan, Russian Federation

Abstaining:

Bahrain, Burkina Faso, Cameroon, Djibouti, Gabon, Ghana, Jordan, Malaysia, Mauritius, Nigeria, Saudi Arabia, Thailand, Uganda, Uruguay]

16/10
Composition of staff of the Office of the United Nations High Commissioner for Human Rights

[See chapter I.]

16/11
Human rights and the environment

The Human Rights Council,

Recalling Commission on Human Rights resolutions 2003/71 of 25 April 2003 and 2005/60 of 20 April 2005, and Commission decision 2004/119 of 21 April 2004,

Recalling also Human Rights Council resolutions relevant to the relationship between human rights and the environment, including resolutions 7/23 of 28 March 2008 and 10/4 of 25 March 2009 on human rights and climate change, and resolutions 9/1 of 24 September 2008 and 12/18 of 2 October 2009 on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights,

Recalling further the request made by the Commission on Human Rights to the Secretary-General in paragraph 10 of its resolution 2005/60, and taking account of the note by the Secretariat on the outcomes of the High-level Plenary Meeting of the General Assembly on the Millennium Declaration in September 2005, on how respect for human rights can contribute to sustainable development,[25]

[25] A/HRC/4/107.

Recalling the reports submitted to the Subcommission on the Promotion and Protection of Human Rights by its Special Rapporteur on human rights and the environment[26] and the report of the Secretary-General on human rights and the environment as part of sustainable development,[27]

Recalling also the Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development,

Recalling further the principles of the Rio Declaration on Environment and Development, including Principle 7, which states that States should cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem; that in view of the different contributions to global environmental degradation, States have common but differentiated responsibilities; and that developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Welcoming the decision to organize, in 2012, the United Nations Conference on Sustainable Development in Rio de Janeiro, Brazil, and taking note of the invitation of the General Assembly, in its resolution 64/236 of 24 December 2009, to organizations and bodies of the United Nations to contribute to the preparatory process for the Conference,

Reaffirming the Millennium Development Goals, including Goal 7, on ensuring environmental sustainability,

Reaffirming also that good governance, within each country and at the international level, is essential for sustainable development,

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environmental needs of present and future generations equitably, and that the human person is the central subject of development and should be the active participant and beneficiary of the right to development,

Taking note of decisions 1/CP.16 and 1/CMP.6 made at the United Nations Climate Change Conference, held in Cancun, Mexico, in 2010, and in particular the seventh preambular paragraph and paragraphs 7, 8 and 12 of decision 1/CP.16, and subparagraphs 2 (c) and (d) of appendix I to decision 1/CP.16, and desirous to contribute positively to a successful outcome of the United Nations Climate Change Conference, to be held in Durban, South Africa, in 2011,

Noting that sustainable development and the protection of the environment can contribute to human well-being and the enjoyment of human rights,

Noting also, conversely, that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of human rights,

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[26] E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7, E/CN.4/Sub.2/1994/9 and Corr.1.

[27] E/CN.4/2005/96.

Recognizing that, while these implications affect individuals and communities around the world, environmental damage is felt most acutely by those segments of the population already in vulnerable situations,

Recognizing also that many forms of environmental damage are transnational in character and that effective international cooperation to address such damage is important in order to support national efforts for the realization of human rights,

Reaffirming that human rights obligations and commitments have the potential to inform and strengthen international, regional and national policymaking in the area of environmental protection and promoting policy coherence, legitimacy and sustainable outcomes,

Urging States to take human rights into consideration when developing their environmental policies,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights, in consultation with and taking into account the views of States Members of the United Nations, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and relevant multilateral environmental agreements, special procedures, treaty bodies and other stakeholders, to conduct, within existing resources, a detailed analyticai study on the relationship between human rights and the environment, to be submitted to the Human Rights Council prior to its nineteenth session;

2. *Decides* to consider the above-mentioned study and possible next steps at its nineteenth session of the Human Rights Council under agenda item 3.

46th meeting
24 March 2011

[Adopted without a vote.]

16/12
Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols thereto, as well as other human rights instruments,

Reaffirming all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Assembly resolution 65/197 of 21 December 2010 and Council resolution 13/20 of 26 March 2010,

Reaffirming also internationally agreed development goals, including the Millennium Development Goals, and recalling the outcome document contained in General Assembly resolution 65/1 of 22 September 2010 entitled "Keeping the promise: united to achieve the Millennium Development Goals", in particular the provisions referring to children,

Reaffirming further that it is essential for people living in poverty and vulnerable groups, including children working and/or living on the street, to be empowered to organize

themselves and to participate in all aspects of political, economic, social and cultural life, in particular in the planning and implementation of policies that affect them,

Reaffirming that it is essential for States to take all appropriate measures to ensure the meaningful participation of children, including children working and/or living on the street, in all matters and decisions affecting their lives through the expression of their views, and that those views be given due weight in accordance with their age and maturity,

Reaffirming also that the child, for the full and harmonious development of his or her personality, should grow up in a family environment while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection and that families' and caregivers' capacities to provide the child with care and safe environment should be promoted,

Recalling the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) and the Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) of the International Labour Organization, and welcoming the commitments by States to accelerate action against child labour, including the confirmed goal of eliminating the worst forms of child labour by 2016,

Welcoming the joint work of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General on violence against children on effective and child-sensitive counselling, and complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation,[28]

Welcoming also the work of the Special Representative of the Secretary-General for children and armed conflict,[29] the Special Representative of the Secretary-General on violence against children[30] and the Special Rapporteur on the sale of children, child prostitution and child pornography,[31] and taking note of their reports,

Welcoming further the work of the Committee on the Rights of the Child,

Welcoming the constructive dialogue on the theme "A holistic approach to the protection and promotion of the rights of children working and/or living on the street", on the occasion of the full-day annual meeting on the rights of the child, held on 9 March 2011, and the renewed commitment to the implementation of the Convention expressed on that occasion by States parties,

Profoundly concerned that the situation of children in many parts of the world remains critical and has been negatively affected by the world financial and economic crisis,

Deeply concerned about the situation of girls and boys working and/or living on the street worldwide and the negative impact that this has on the full enjoyment of their rights and their development,

Recognizing that the prevention and solution of certain aspects of this phenomenon could be facilitated in the context of economic and social development,

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[28] A/HRC/16/56.
[29] A/HRC/15/58.
[30] A/HRC/16/54.
[31] A/HRC/16/57.

Recognizing also the need for States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field,

Deeply concerned about the multiple forms of discrimination and stigmatization children living and/or working on the street often face because of factors such as race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, immigration status or other status,

Deeply concerned also about children, including adolescent girls, working and/or living on the street, facing violence, including sexual exploitation, HIV infection and other serious health problems, substance use and early pregnancies, and about the situation of children born on the street,

Recognizing that prostitution of children is a serious form of exploitation and violence and a crime against those most vulnerable, that States parties should prohibit and address it in accordance with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and reiterating the importance of States ensuring children's protection from them,

Bearing in mind the diverse causes of the emergence and marginalization of children working and/or living on the street, such as poverty; migration, including rural-to-urban migration; trafficking; violence; abuse and neglect at home or in care institutions; broken families; lack of access to basic services, including free education; HIV/AIDS and child relinquishment; substance abuse; and mental health issues, intolerance, discrimination, armed conflict and displacement, and that such causes are often aggravated and their solution made more difficult by serious socio-economic and other difficulties,

Recognizing the lack and the desirability of more reliable and in-depth systematic disaggregated data collection and research on children, including children living and/or working on the street,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Strongly condemns* the violations and abuses of the rights of children living and/or working on the street, including discrimination and stigmatization and lack of access to basic services, including education and basic health care, and all forms of violence, abuse, maltreatment, neglect or negligent treatment experienced by them, such as exploitation, gender-based violence, trafficking, forced begging and hazardous work, forced recruitment by armed forces and armed groups, forced disappearances and extrajudicial killings;

2. *Urges* States to ensure a holistic child rights and gender-based response to the phenomenon of children working and/or living on the street, within the context of comprehensive domestic child protection strategies, with realistic and time-bound targets and sufficient financial and human resources for their implementation, including arrangements for the monitoring and regular review of action taken;

3. *Calls on* States to give priority attention to the prevention of the phenomenon of children working and/or living on the street by addressing its diverse causes through economic, social, educational and empowerment strategies, including by:

(a) Ensuring birth registration of all children immediately after birth through universal, free, accessible, simple, expeditious and effective registration procedures; raising

awareness of the importance of birth registration at the national, regional and local levels; facilitating late registration of birth; and ensuring that children who have not been registered have access without discrimination to health care, protection, education, safe drinking water and sanitation, and basic services;

(b) Strengthening efforts at all levels to eradicate poverty so as to help ensure the realization of the right of all children and members of their families to the enjoyment of the highest attainable standard of health and to an adequate standard of living;

(c) Ensuring the full enjoyment of their right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory, available and free to all children, ensuring that all children have access to education of good quality, as well as by making secondary education generally available and accessible to all, in particular through the progressive introduction of free education and by ensuring school attendance, in particular for girls and children from low-income families and children living and/or working on the street, including, where appropriate, through the implementation of incentives relating to school attendance in the context of social policies;

(d) Upholding children's rights to protection and their access to services by establishing child-friendly, accessible and effective counselling, complaint and reporting mechanisms;

(e) Supporting and assisting families' and caregivers' capacities, including with regard to child development and non-abusive parenting, to enable them to provide children with care in a safe environment;

4. *Urges* States:

(a) To adopt, strengthen and implement legislative and other measures, cross-sectoral strategies and plans of action to eliminate, as a matter of priority, all forms of violence and discrimination against children working and/or living on the street and to end the impunity of all perpetrators of these violations and abuses and the criminalization of children living and/or working on the street;

(b) To prosecute and/or provide effective, proportionate and dissuasive sanctions for sale, trafficking and all forms of exploitation of children working and/or living on the street, and to ensure protection, assistance and support for child victims of these practices;

(c) To take appropriate measures to protect children affected by armed conflict, taking into account the best interests of the child, in order to reduce the risk of these children resorting to working and/or living on the street;

(d) To recognize that it is generally in the child's best interests that survival behaviours, such as begging, loitering, vagrancy, truancy, running away and other acts, be dealt with as child protection issues by the relevant State authorities, and to ensure, in accordance with their legal systems, that laws on such behaviours do not constitute an obstacle to effective assistance, support and protection for children working and/or living on the street;

(e) To ensure that children working and/or living on the street who are involved in judicial proceedings have effective access to child-friendly justice systems and, where they are party to proceedings, to legal representation, and are enabled to participate actively in the proceedings and are informed about their rights in a way understandable to them;

(f) To ensure that all interventions directed at children working and/or living on the street take into account the best interests and the views of the child in question, in accordance

with his or her age and maturity, and are undertaken by adequately trained professionals in order to prevent further victimization;

5. *Encourages* States to take measures to address the stigmatization and discrimination of children working and/or living on the street, including through awareness-raising campaigns and sensitization to the situation of these children;

6. *Calls upon* States to ensure that children working and/or living on the street enjoy all human rights fully and equally, and that they have access without discrimination to health care, education, safe drinking water and sanitation, and social and other basic services;

7. *Also calls upon* States to address the vulnerabilities of children working and/or living on the street to multiple health risks, including HIV infection, through social protection and primary health-care services that would build relationships of trust with these children and ensure their access to information on risky behaviours, counselling and testing and adequate protection against health risks, including HIV;

8. *Calls on* States to ensure appropriate care and protection of children who work and/or live on the street without any parental contact or supervision, including through measures to support their sustainable reintegration into their family and, when family reintegration is not possible or appropriate, through a case-by-case approach to provide alternative care that is appropriate and in the best interests of the child;

9. *Encourages* States to develop, strengthen and implement, as appropriate, national systems for collecting, monitoring and evaluating disaggregated national data on children, including on children working and/or living on the street;

10. *Calls upon* all States to strengthen international commitment, cooperation and mutual assistance in preventing the phenomenon of children working and/or living on the street, in protecting such children, including against all forms of violence, and in improving their situation, including through sharing good practices, research, policies, monitoring and capacity-building;

11. *Encourages* States parties to the Convention on the Rights of the Child, in preparing their reports for the Committee on the Rights of the Child, to take into account this issue and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of children living and/or working on the street, in accordance with article 45 of the Convention;

12. *Calls upon* all States, requests relevant United Nations bodies and agencies and invites regional organizations, the private sector, employers' and workers' organizations, civil society organizations, including child-led organizations and any other actors, to accelerate action against child labour, especially its worst forms, in line with international obligations and declared commitments;

13. *Also calls upon* all States and invites United Nations entities and agencies, regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on violence against children in promoting further implementation of the recommendations of the United Nations study on violence against children,[32] and encourages States to provide support, including financial support, for the effective and independent performance of her mandate, as set out by the General Assembly in its resolution 62/141 of 18 December 2007, while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon

[32] A/61/299.

States and institutions concerned and invites the private sector to provide voluntary contributions for that purpose;

14. *Urges* all States that have not yet become parties to the Convention on the Rights of the Child and the Optional Protocols thereto to do so as a matter of priority;

15. *Urges* all States parties to withdraw reservations that are incompatible with the object and purpose of the Convention on the Rights of the Child or the Optional Protocols thereto;

16. *Urges* all States that have not yet ratified both the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) and the Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) of the International Labour Organization to consider doing so as a matter of priority;

17. *Requests* the High Commissioner to prepare a summary of the full-day meeting on the rights of the child, as a follow-up to paragraph 7 of Council resolution 7/29 of 28 March 2008, before the seventeenth session of the Council;

18. *Invites* the Office of the High Commissioner to conduct a study on challenges, lessons learned and best practices in a holistic, child rights and gender-based approach to protect and promote the rights of children working and/or living on the street, including practices in the collection of disaggregated data and experiences on access to child-friendly counselling, complaint and reporting mechanisms to protect the rights of children living and/or working on the streets, in close collaboration with relevant stakeholders, including States, the United Nations Children's Fund and other United Nations bodies and agencies, the Special Representative of the Secretary-General on violence against children, the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and other relevant special procedures mandate holders, regional organizations, civil society, national human rights institutions and children themselves, and to present the study to the Human Rights Council at its nineteenth session;

19. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and Human Rights Council resolution 7/29, and to focus its next full-day meeting on children and the administration of justice;

20. *Welcomes* the work and contributions of the Special Rapporteur on the sale of children, child prostitution and child pornography, and decides to extend for a period of three years the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 7/13 of 27 March 2008.

46th meeting
24 March 2011

[Adopted without a vote.]

16/13
Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 14/11 of 18 June 2010, and other resolutions adopted by the General Assembly and the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Stressing that everyone should be able to live safely, regardless of his or her religion or belief,

Recalling that States have the primary responsibility for promoting and protecting human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Noting with regret that no part of the world is exempt from religious intolerance, discrimination and violence,

Expressing solidarity with States and individuals combating violence against persons belonging to religious minorities, and paying tribute to the commitment of States to prevent these acts,

Underlining that educational institutions may offer unique possibilities for constructive dialogue among all parts of society and that human rights education in particular can contribute to the elimination of negative stereotypes that often adversely affect members of religious minorities,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Also emphasizes* the importance of the promotion of religious tolerance and respect for diversity in view of creating an environment conducive to the full enjoyment of freedom of religion or belief;

4. *Expresses deep concern* at the emerging obstacles to the enjoyment of the right to freedom of religion or belief as well as at instances of religious intolerance, discrimination and violence, inter alia:

(a) The increasing number of acts of violence directed against individuals and or persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals and persons belonging to religious minorities;

(c) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of persons on the basis of their religion or belief;

(d) Attacks on religious places, sites and shrines, as well as vandalism of cemeteries, in violation of international law, in particular human rights and humanitarian law;

5. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

6. *Also condemns* violence and acts of terrorism, which are increasing in number, targeting persons belonging to religious minorities across the world;

7. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

8. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

9. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief and, to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminates against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(j) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(k) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses the importance* of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices and stereotypes against members of other religions or beliefs;

13. *Welcomes* the work of the Special Rapporteur, takes notes with interest of his report on freedom of religion or belief and school education,[33] and requests him to submit a report annually to the Human Rights Council in accordance with its annual programme of work;

14. *Decides* to remain seized of this question under the same agenda item and to continue consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

46th meeting
24 March 2011

[Adopted without a vote.]

16/14
Mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights in connection with the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, as well as Human Rights Council decision 2/109 of 27 November 2006 and resolutions 7/4 of 27 March 2008, 11/5 of 17 June 2009, and 14/4 of 17 June 2010,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Noting that, despite the efforts made, the effects of the debt problem are not over and that heavy debt burdens continue to contribute to extreme poverty and to undermine the capacity of Governments, particularly in developing countries, to create the conditions necessary for the achievement of sustainable human development and the realization of human rights,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of low- and middle-income developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

[33] A/HRC/16/53.

1. *Welcomes* the work and contributions of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

2. *Decides* to extend the mandate of the independent expert for a period of three years, and requests the independent expert to pay particular attention to:

(a) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(b) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement their policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;

(c) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(d) New developments and actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;

(e) Quantification of minimum standards to support the realization of the Millennium Development Goals;

(f) Enhancement of consultations with all relevant stakeholders in the fulfilment of this mandate;

3. *Requests* the independent expert to explore further, in his/her analytical annual report to the Human Rights Council, the interlinkages with trade and other issues, including HIV/AIDS, when examining the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development with a view to bringing the broad scope of his/her mandate to its attention;

4. *Also requests* the independent expert to continue to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines with a view to improving them, as appropriate, and to present the updated guidelines to the Human Rights Council;

5. *Further requests* the independent expert to cooperate, in accordance with his/her mandate, with the Committee on Economic, Social and Cultural Rights, as well as with the Advisory Committee, special procedures, mechanisms and relevant working groups of the Human Rights Council related to economic, social and cultural rights and the right to development, in his/her work towards the improvement of the above-mentioned draft general guidelines;

6. *Requests* the independent expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

7. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required for the effective fulfilment of his or her mandate, including sufficient budgetary resources for the implementation of the

activities envisaged in Human Rights Council resolution 11/5, as well as to facilitate his/her participation in and contribution to the follow-up process of the International Conference on Financing for Development;

8. *Urges* States, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his/her mandate;

9. *Decides* to continue its consideration of this matter under the same agenda item.

46th meeting
24 March 2011

[Adopted by a recorded vote of 29 to 13, with 4 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ecuador, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Chile, Gabon, Mexico, Norway]

16/15
Role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities

The Human Rights Council,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming also Human Rights Council resolutions 7/9 of 27 March 2008, 10/7 of 26 March 2009 and 13/11 of 25 March 2010, and welcoming the efforts of all stakeholders to implement those resolutions,

Recalling the recognition by States parties to the Convention on the Rights of Persons with Disabilities of the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the Convention, and that such measures are without prejudice to the obligation of each State party to fulfil their obligations under the Convention,

Recalling also the recognition of the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries, and highlighting the fact that the majority of persons with disabilities live in conditions of poverty and, in this regard, recognizing the critical need to address the negative impact of poverty on persons with disabilities,

Emphasizing that international cooperation measures that are not inclusive of and accessible to persons with disabilities may create new barriers to their equal participation in society,

Emphasizing also the need for States parties to consult closely with and actively involve persons with disabilities in decision-making processes concerning issues related to persons with disabilities, including to enable and empower them to participate in international cooperation,

1. *Welcomes* the fact that, to date, one hundred and forty-seven States and one regional integration organization have signed and ninety-nine States ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that ninety States have signed and sixty-one States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol thereto to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to implement a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the outcome document of the High-level Plenary Meeting contained in General Assembly resolution 65/1 of 22 September 2010, entitled "Keeping the promise: united to achieve the Millennium Development Goals", particularly the recognition that policies and actions must also focus on persons with disabilities in order that they may benefit from progress towards achieving the Millennium Development Goals;

4. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities, including the thematic study,[34] and calls upon all stakeholders to consider the findings and recommendations of the study, and invites the High Commissioner to make the study available to the high-level meeting at the sixty-seventh session of the General Assembly on strengthening efforts to ensure accessibility for and inclusion of persons with disabilities in all aspects of development efforts;

5. *Calls upon* States parties to the Convention to ensure that all international cooperation measures in the disability field are consistent with their obligations under the Convention; such measures could include, in addition to disability-specific initiatives, ensuring that international cooperation is inclusive of and accessible to persons with disabilities;

6. *Encourages* all actors, when taking appropriate and effective international cooperation measures in support of national efforts for the realization of the rights of persons with disabilities, to ensure:

(a) That appropriate attention be given to all persons with disabilities, including those with disabilities relating to physical, mental, intellectual and sensory impairments, and that appropriate attention be given also to gender issues, including the connection between gender and disability;

(b) Adequate coordination between and among actors involved in international cooperation;

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[34] A/HRC/16/38.

7. *Encourages* States to reinforce international cooperation in support of national efforts for the realization of the rights of persons with disabilities;

8. *Welcomes* the initiative by the United Nations Development Programme, the Office of the High Commissioner, the Department of Economic and Social Affairs of the United Nations Secretariat and the United Nations Children's Fund to promote a new multi-donor trust fund through the establishment of the United Nations partnership for the rights of persons with disabilities to support the inclusion of the rights of persons with disabilities within the development cooperation programmes of the United Nations system, and encourages States, bilateral and multilateral donors and private donors to give favourable consideration to contributing to it once it has been established;

9. *Invites* the Office of the High Commissioner, within two years of the establishment of the United Nations partnership for the rights of persons with disabilities, to provide information to the Human Rights Council on the status and operation of the partnership;

10. *Encourages* States to reinforce international cooperation measures in fields of research or on transfer of technology, such as assistive technologies;

11. *Encourages* all actors to give appropriate consideration to the rights of persons with disabilities in all phases of humanitarian operations, from preparedness to assistance, transition and handover of relief operations;

12. *Acknowledges* the importance of international cooperation at all levels, including South-South and triangular cooperation, which complement North-South cooperation, as well as regional cooperation and cooperation involving and within civil society, including national human rights institutions and persons with disabilities and their representative organizations;

13. *Recalls* that international cooperation is without prejudice to the obligation of each State party to the Convention to fulfil its obligations under the Convention;

14. *Takes note with interest* of the ongoing discussions at the World Intellectual Property Organization on exceptions and limitations to copyright to enhance access to copyrighted works for persons with disabilities;

15. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with Human Rights Council resolution 7/9;

16. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its nineteenth session, and that it will focus on participation in political and public life;

17. *Requests* the Office of the High Commissioner to prepare a study on the participation of persons with disabilities in political and public life, in consultation with relevant stakeholders, including States, regional organizations, including regional integration organizations, United Nations agencies, the Special Rapporteur on disability of the Commission for Social Development of the Economic and Social Council, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the nineteenth session of the Human Rights Council;

18. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the debate referred to in

paragraph 16 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

19. *Encourages* the special procedures mandate holders of the Human Rights Council to cooperate, as appropriate and in accordance with their respective mandates, with the Special Rapporteur on disability of the Commission for Social Development;

20. *Requests* the Secretary-General to continue to ensure that the Office of the High Commissioner, in its mandates on the rights of persons with disabilities, and the Committee on the Rights of Persons with Disabilities are given adequate resources for the fulfilment of their tasks;

21. *Requests* the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities.

46th meeting
24 March 2011

[Adopted without a vote.]

16/16
Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right of life, the right of liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolution 7/12 of 27 March 2008, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for States,

Welcoming the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance on 23 December 2010 and the fact that eighty eight States have signed it and twenty three States have ratified or acceded to it, and recognizing that its implementation will be a significant contribution to ending impunity and to the promotion and the protection of all human rights for all,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of

reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Taking note with interest of the general comment of the Working Group on the right to the truth in relation to enforced disappearances,

Acknowledging the fact that acts of enforced disappearance may amount to crimes against humanity, as defined by the Rome Statute of the International Criminal Court,

Taking note with interest of the general comment of the Working Group on enforced disappearances as a crime of a continuous nature and, in this regard, recalling the relevant provisions of the Convention and the Declaration,

Welcoming the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances and its call upon Member States, the United Nations system and other international and regional organizations, as well as civil society, to observe this day,

Acknowledging that many Governments have cooperated with the Working Group,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to consider doing so as a matter of priority, and to consider as well the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

2. *Notes* that 2012 will mark the twentieth anniversary of the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance, and encourages all States to translate the Declaration into their languages in order to assist its global dissemination and the ultimate goal of prevention of enforced disappearances;

3. *Takes note* of the report of the Working Group on Enforced or Involuntary Disappearances on best practices on enforced disappearances in domestic criminal legislation,[35] and encourages States to give due consideration to the good practices identified in the report;

4. *Decides* to extend the mandate of the Working Group for a further period of three years, in conformity with the terms set forth in the Human Rights Council resolution 7/12;

5. *Calls upon* States that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

[35] A/HRC/16/48/Add.3 and Corr.1.

6. *Encourages* the Working Group, in accordance with its working methods, to continue to provide concerned States with relevant and detailed information concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications without prejudice to the need for concerned States to cooperate with the Working Group;

7. *Notes with concern* that, according to the Working Group, it has insufficient resources to effectively exercise its mandate, particularly in relation to human resources, where there is an acute need,[36] and requests the Secretary-General to provide the assistance necessary to the Working Group to fulfil its mandate, in particular by putting adequate human and material resources at its disposal;

8. *Decides* to continue consideration of the question of enforced disappearances in accordance with the programme of work of the Human Rights Council.

46th meeting
24 March 2011

[Adopted without a vote.]

16/17
Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 65/106 of 10 December 2010, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/65/237) of 27 August 2010 and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August

[36] A/HRC/16/48, para. 585.

1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being resolution 13/5 of 24 March 2010,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 25 years, and calls on Israel to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva

Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Council at its next main session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its next main session.

46th meeting
24 March 2011

[Adopted by a recorded vote of 29 to 1, with 16 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, Ghana, Kyrgyzstan, Jordan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

United States of America

Abstaining:

Belgium, Cameroon, France, Gabon, Guatemala, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland]

16/18
Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming further that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching,

Reaffirming the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts, and to expand human rights education are important first steps in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, and condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

4. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that a continuing dialogue on these issues can help overcome existing misperceptions;

5. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect, by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging training of Government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

6. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries in the conduct of their public duties do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

7. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights;

8. *Calls upon* States to adopt measures and policies to promote the full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

9. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and decides to convene a panel discussion on this issue at its seventeenth session, within existing resources.

46th meeting
24 March 2011

[Adopted without a vote.]

16/19
Cooperation between Tunisia and the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations and other instruments relating to human rights and international law,

Welcoming the process of political transition that has started in Tunisia and the commitment of the transitional Government of Tunisia to fully realize the universal values of human dignity, liberty, democracy and human rights,

Acknowledging that, in spite of the rapidity with which this transition is unfolding, peace and order has prevailed in the country,

Welcoming the process of constitutional reform and the commitment to bring legislation into line with international treaty obligations, as well as the intent expressed by the transitional Government to strengthen the independence of the judiciary and the implementation of legislation,

Welcoming also the efforts of the transitional Government to release all political prisoners through a general amnesty and to bring transparency to the prison system, in particular by granting access to international and non-governmental organizations,

Welcoming further the standing invitation issued to all special procedures,

Noting the ongoing ratification process of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the first Optional Protocol to the International Covenant on Civil and Political Rights, the Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons from Enforced Disappearance,

1. *Salutes* the courage of the people of Tunisia and strongly supports the efforts of the transitional Government towards a swift and peaceful political transition and the full realization of human rights;

2. *Takes note* of the assessment mission of the Office of the United Nations High Commissioner for Human Rights to Tunisia and its report, as well as the decision, upon the invitation extended by the transitional Government, to set up a country office of the Office of the High Commissioner in Tunisia;

3. *Encourages* the transitional Government to continue to implement the recommendations, contained in the mission report, that it has accepted, with the support of the Office of the High Commissioner;

4. *Also encourages* the transitional Government to continue its efforts to ensure accountability for human rights violations;

5. *Invites* all parts of the United Nations system, including the Office of the High Commissioner and Member States, to assist the transitional process in Tunisia, including by supporting the mobilization of resources to tackle the economic and social challenges faced by Tunisia, in coordination with and according to the priorities set by the Government of Tunisia;

6. *Commends* the Tunisian people for the solidarity shown to refugees and the assistance extended to them;

7. *Invites* the High Commissioner to continue to cooperate with the Government of Tunisia on the matter.

46th meeting
24 March 2011

[Adopted without a vote.]

16/20
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and the other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Taking into consideration the relevant provisions of international humanitarian and human rights law,

Emphasizing the importance of the safety and well-being of all civilians, including humanitarian personnel,

Recalling Human Rights Council resolution 14/1 of 2 June 2010, in which the Council decided to dispatch an independent international fact-finding mission to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance,

Recalling also Human Rights Council resolution 15/1 of 29 September 2010, in which the Council endorsed the conclusions contained in the report of the independent international fact-finding mission, called upon all concerned parties to ensure the immediate implementation of the conclusions contained in the report of the fact-finding mission and requested the United Nations High Commissioner for Human Rights to submit a report on the status of implementation of those conclusions,

Welcoming the establishment by the Secretary-General of a panel of inquiry and recalling that its work has not been completed,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights;[57]

2. *Regrets* the non-cooperation of the occupying Power, Israel, with the independent international fact-finding mission on the Gaza flotilla incident;

3. *Calls upon* concerned parties to ensure the immediate implementation of the conclusions contained in the report of the fact-finding mission;

4. *Encourages* the panel of inquiry established by the Secretary-General to complete its work without delay;

5. *Requests* the High Commissioner to submit a report on the status of the implementation of paragraph 3 above to the Human Rights Council at its seventeenth session;

6. *Decides* to follow up the implementation of the present resolution at its seventeenth session.

47th meeting
25 March 2011

[Adopted by a recorded vote of 37 to 1, with 8 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

United States of America

Abstaining:

Cameroon, Hungary, Poland, Republic of Korea, Republic of Moldova, Slovakia, Ukraine, Zambia]

16/21
Review of the work and functioning of the Human Rights Council

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in paragraph 16 of resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should review its work and functioning five years after its establishment and report to the Assembly,

Having considered the report of the open-ended intergovernmental working group on the review of work and functioning of the Human Rights Council,[58] established by the Council in its resolution 12/1 of 1 October 2009,

[57] A/HRC/16/73.
[58] A/HRC/WGR/2/1.

1. *Takes note* of the report of the open-ended intergovernmental working group on the review of work and functioning of the Human Rights Council;

2. *Adopts* the "Outcome of the review of the work and functioning of the United Nations Human Rights Council" as annexed to the present resolution, to be submitted to the General Assembly;

3. *Decides* that the "Outcome of the review of the work and functioning of the United Nations Human Rights Council" shall be a supplement to the institution-building package contained in Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, as well as in other related Council resolutions, decisions and President's statements;

4. *Also decides* to submit the following draft resolution to the General Assembly for its consideration:

"*The General Assembly*,

"*Taking note* of Human Rights Council resolution 16/21 of 25 March 2011,

"*Endorses* the text entitled 'Outcome of the review of the work and functioning of the United Nations Human Rights Council'."

47th meeting
25 March 2011

[Adopted without a vote.]

Annex
Outcome of the review of the work and functioning of the United Nations Human Rights Council

I. Universal periodic review[39]

A. Basis, principles and objectives of the review

1. The basis, principles and objectives of the universal periodic review as set forth in paragraphs 1, 2, 3 and 4 of the annex to Human Rights Council resolution 5/1 shall be reaffirmed.

B. Periodicity and order of the review

2. The second cycle of the review shall begin in June 2012.

3. The periodicity of the review for the second and subsequent cycles will be of four and a half years. This will imply the consideration of 42 States per year during three sessions of the Working Group on the Universal Periodic Review.

4. The order of review established for the first cycle of the review shall be maintained for the second and subsequent cycles.

C. Process and modalities of the review

1. Focus and documentation

5. The review during the second and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the annex to Council resolution 5/1.

[39] Changes to the universal period review contained in the present section shall be applicable as of the second cycle of the review.

6. The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review.

7. The general guidelines for universal periodic review reports adopted by the Council in its decision 6/102 shall be adjusted to the focus of the second and subsequent cycles before the eighteenth session of the Council.

8. Other relevant stakeholders are encouraged to include in their contributions information on the follow-up to the preceding review.

9. The summary of the information provided by other relevant stakeholders should contain, where appropriate, a separate section for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. Information provided by other accredited national human rights institutions will be reflected accordingly, as well as information provided by other stakeholders.

2. Modalities

10. The role of the troikas shall be maintained as set forth in the annex to Council resolution 5/1 and in President's statement PRST/8/1.

11. Following the extension of the review cycle to four and a half years and within existing resources and workload, the duration of the Working Group meeting for the review will be extended from the present three hours and the modalities will be agreed upon at the seventeenth session of the Council, including the list of speakers, which shall be based on the modalities as appear in the appendix.

12. The final outcome of the review will be adopted by the plenary of the Council. The modalities for the organization of the one-hour consideration of the outcome shall be in accordance with President's statement PRST/9/2.

13. The national human rights institution of the State under review consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary.

14. The Universal Periodic Review Voluntary Trust Fund to facilitate the participation of States established by the Council in its resolution 6/17 should be strengthened and operationalized in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing States, in their review.

D. Outcome of the review

15. The recommendations contained in the outcome of the review should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations.

16. The State under review should clearly communicate to the Council, in a written format preferably prior to the Council plenary, its positions on all received recommendations, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1.

E. Follow-up to the review

17. While the outcome of the review, as a cooperative mechanism, should be implemented primarily by the State concerned, States are encouraged to conduct broad consultations with all relevant stakeholders in this regard.

18. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations.

19. The Voluntary Fund for Financial and Technical Assistance, established by the Council in its resolution 6/17, should be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. A board of trustees should be established in accordance with the rules of the United Nations.

20. States may request the United Nations representation at the national or regional level to assist them in the implementation of follow-up to their review, bearing in mind the provisions of paragraph 36 of the annex to Council resolution 5/1. The Office of the United Nations High Commissioner for Human Rights may act as a clearing house for such assistance.

21. Financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans.

II. Special procedures

A. Selection and appointment of mandate holders

22. To further strengthen and enhance transparency in the selection and appointment process of mandate holders envisaged in the annex to Council resolution 5/1, the following provisions will apply:

(a) In addition to entities specified in paragraph 42, national human rights institutions in compliance with the Paris Principles may also nominate candidates as special procedures mandate holders;

(b) Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. The Office of the High Commissioner shall prepare a public list of candidates who applied for each vacancy;

(c) The consultative group will consider, in a transparent manner, candidates having applied for each specific mandate. However, under exceptional circumstances and if a particular post justifies it, the group may consider additional candidates with equal or more suitable qualifications for the post. The group shall interview shortlisted candidates to ensure equal treatment of all candidates;

(d) In implementing paragraph 52, the President shall justify his/her decision if he/she decides not to follow the order of priority proposed by the consultative group.

B. Working methods

23. In line with Council resolution 5/2, States should cooperate with and assist special procedures in the performance of their tasks and it is incumbent on mandate holders to exercise their functions in accordance with their mandates and in compliance with the code of conduct.

24. The integrity and independence of the special procedures and the principles of cooperation, transparency and accountability are integral to ensuring a robust system of the special procedures that would enhance the capacity of the Council to address human rights situations on the ground.

25. The special procedures shall continue to foster a constructive dialogue with States. The special procedures shall also endeavour to formulate their recommendations in a concrete, comprehensive and action-oriented way and pay attention to the technical assistance and capacity-building needs of States in their thematic and country mission reports. The comments of the State concerned shall be included as an addendum to country mission reports.

26. States are urged to cooperate with and assist special procedures by responding in a timely manner to requests for information and visits, and to study carefully the conclusions and recommendations addressed to them by the special procedures.

27. The Council should streamline its requests to special procedures, in particular with regard to reporting, to ensure meaningful discussion of their reports. The Council should remain as a forum for open, constructive and transparent discussion on cooperation between States and special procedures, allowing for the identification and exchange of good practices and lessons learned.

28. The national human rights institution consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) of the country concerned shall be entitled to intervene immediately after the country concerned during the interactive dialogue, following the presentation of a country mission report by a special procedure mandate holder.

29. The Office of the High Commissioner will continue to maintain information on special procedures, such as mandates, mandate holders, invitations and country visits and responses thereto, as well as reports presented to the Council and the General Assembly, in a comprehensive and easily accessible manner.

30. The Council strongly rejects any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urges States to prevent and ensure adequate protection against such acts.

C. Resources and funding

31. The Council recognizes the importance of ensuring the provision of adequate and equitable funding, with equal priority accorded to civil and political rights and economic, social and cultural rights, including the right to development, to support all special procedures according to their specific needs, including additional tasks entrusted to them by the General Assembly. This should be achieved through the regular budget of the United Nations.

32. The Council therefore requests the Secretary-General to ensure the availability of adequate resources within the regular budget of the Office of the High Commissioner to support the full implementation by special procedures of their mandates.

33. The Council also recognizes the continued need for extra-budgetary funding to support the work of the special procedures, and welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, unearmarked.

34. The Council highlights the need for full transparency in the funding of the special procedures.

III. Advisory Committee

35. The Council shall, within existing resources, strengthen its interaction with the Advisory Committee and engage more systematically with it through work formats such as seminars, panels, working groups and sending feedback to the inputs of the Committee.

36. The Council shall endeavour to clarify specific mandates given to the Advisory Committee under relevant resolutions, including indicating thematic priorities and provide specific guidelines for the Advisory Committee with a view to triggering implementation-oriented outputs.

37. In order to provide a proper setting for a better interaction between the Council and its Committee, the first annual session of the Committee shall henceforth be convened immediately prior to the March session of the Council, while the second session shall be held in August.

38. The annual report of the Committee shall be submitted to the Council at its September session, and be the subject of an interactive dialogue with the Committee Chairperson. The present provision does not exclude other interaction with the Committee should such opportunities arise and be deemed appropriate by the Council.

39. The Committee shall endeavour to enhance intersessional work between its members in order to give effect to the provisions of paragraph 81 of the annex to Council resolution 5/1.

IV. Agenda and framework for the programme of work

40. The Council's agenda and framework for programme of work are as is specified in the annex to Council resolution 5/1.

41. Council cycles will be aligned with the calendar year and be subject to any necessary transitional arrangements decided on by the General Assembly.

V. Methods of work and rules of procedure

A. Yearly panel with United Nations agencies and funds

42. The Council shall hold a half-day panel discussion once a year to interact with heads of governing bodies and secretariats of United Nations agencies and funds within their respective mandates on specific human rights themes with the objective of promoting the mainstreaming of human rights throughout the United Nations system. The present provision does not preclude other opportunities that may arise for discussions between the Council and United Nations agencies and funds on the mainstreaming of human rights.

43. State or regional groups may propose issues to be discussed by the panel. On the basis of such proposals and consultation with all regional groups, the President of the Council will propose the theme of the panel discussion for the upcoming year for approval by the Council at its relevant organizational session.

44. The Office of High Commissioner, in its capacity as secretariat of the Council, shall coordinate the preparation of the documentation required for the panel discussion.

B. Voluntary yearly calendar of resolutions

45. The Bureau shall establish a tentative yearly calendar for the thematic resolutions of the Human Rights Council in consultation with the main sponsors. The yearly calendar will be established on a voluntary basis and without prejudice to the right of States as provided for by paragraph 117 of the annex to Council resolution 5/1.

46. The calendar should also contemplate the appropriate synchronization of schedules for resolutions, mandates and presentation of reports by the special procedures, taking into account the need for balance between them.

47. The Bureau shall present a report to the Council in its eighteenth session.

C. Bi- and triennial thematic resolutions

48. In principle and on a voluntary basis, omnibus thematic resolutions should be tabled on a biennial or triennial basis.

49. Thematic resolutions on the same issue to be presented in between the above-mentioned intervals are expected to be shorter and focused on addressing the specific question or standard gap that justified their presentation.

D. Transparency and extensive consultations for resolutions and decisions

50. The consultation process on, inter alia, resolutions and decisions of the Council shall observe the principles of transparency and inclusiveness.

E. Documentation

51. There is a need for ensuring the availability of working documents in a timely manner and in all official languages of the United Nations.

F. Deadlines for the notification and submission of draft initiatives and programme budget implication information

52. There is a need for early submission of draft resolutions and decisions by the end of the penultimate week of the Council session.

53. Sponsors of initiatives are encouraged to contact the Office of the High Commissioner before the second week of the session with a view to facilitate the circulation of information on budgetary implications, if any.

G. Establishment of an office of the President

54. In line with the procedural and organizational roles of the President, the Office of the President of the Human Rights Council shall be established, within existing resources, in order to support the President in the fulfilment of his or her tasks and enhance efficiency, continuity and institutional memory in this regard.

55. The Office of the President shall be provided with adequate resources drawn from the regular budget, including staff, office space and necessary equipment required for the fulfilment of their tasks. The appointment of the staff of the Office shall promote equitable geographic distribution and gender balance. The staff of the Office shall be accountable to the President.

56. The composition, modalities and financial implications of the Office of President shall be considered by the Council on the basis of the report of the secretariat, at its seventeenth session.

H. Human Rights Council secretariat service

57. The secretariat service to the Council and its mechanisms should continue to be improved to enhance the efficiency of the work of the Council.

I. Accessibility for persons with disabilities

58. There is a need to enhance accessibility for persons with disabilities to the Council and the work of its mechanisms, including its information and communication technology, Internet resources and documents, in accordance with international standards on accessibility for persons with disabilities.

J. Use of information technology

59. The Council shall explore the feasibility of the use of information technology, such as videoconferencing or video messaging, in order to enhance access and participation by non-resident State delegations, specialized agencies, other intergovernmental organizations and national human rights institutions consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles), as well as by non-governmental organizations in consultative status, bearing in mind the need to ensure full compliance of such participation with its rules of procedure and rules concerning accreditation.

60. The use of modern information technology, such as the electronic circulation of copies, is encouraged in order to reduce the circulation of paper.

K. Task force

61. The Council decides to establish a task force to study the issues envisaged in paragraphs 57, 58, 59 and 60 in consultation with Government representatives, the Office of the High Commissioner and the United Nations Office at Geneva and all relevant stakeholders, and to submit concrete recommendations to the Council at its nineteenth session.

L. Technical assistance trust fund

62. The Council will consider modalities for the establishment of a technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Council at its nineteenth session.

Appendix
Modalities for establishing the list of speakers for the Working Group on the Universal Periodic Review

The established procedures, which allow speaking time of three minutes for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within – minutes available to Member and observer States.

Should it not be possible to accommodate all speakers within – minutes based on three minutes of speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.

If all speakers still cannot be accommodated, the speaking time will be divided among all delegations inscribed so as to enable each and every speaker to take the floor.

Steps for drawing up the list of speakers

1. The list of speakers will open at 10 a.m. on the Monday of the week preceding the beginning of the session of the Working Group on the Universal Periodic Review and remain open for a period of four days. It will close on the Thursday at 6 p.m. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the secretariat.

2. In all cases, regardless of speaking time, the delegations inscribed on the list of speakers will be arranged in alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On the Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations.

3. Speaking time limits during the review will be strictly enforced. Speakers who exceed their speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements.

4. All speakers will retain the possibility of swapping place on the speakers list under bilateral arrangement between speakers.

16/22
Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000, and the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the Assembly on the Millennium Development Goals,

Recalling also all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights,

Recalling further the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva, from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and in international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the

enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

9. *Takes note* of the information provided orally by the Office of the United Nations High Commissioner for Human Rights on the progress achieved in operationalizing the Universal Periodic Review Voluntary Trust Fund and the Voluntary Fund for Financial and Technical Assistance, and requests the Office to provide the Council with a written update on the operations of both funds and the resources available to them;

10. *Requests* the Office of the High Commissioner to seek the views of States and relevant stakeholders on the contribution of the Voluntary Fund for Financial and Technical Assistance, in particular with regard to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that require financial support, and also requests the Office to provide the Council with a compilation of those views at its nineteenth session;

11. *Urges* States to continue to support the Universal Periodic Review Voluntary Fund and the Voluntary Fund for Financial and Technical Assistance;

12. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

13. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

14. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

15. *Takes note* of the discussions held in the Human Rights Council Advisory Committee in fulfilment of the mandate given to the Committee to explore ways and means to enhance international cooperation in the field of human rights, in accordance with Council resolution 13/23 of 26 March 2010;

16. *Decides* to continue its consideration of the matter in 2012, in accordance with its annual programme of work.

47th meeting
25 March 2011

[Adopted without a vote.]

16/23
Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur

The Human Rights Council,

Reaffirming that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international and internal armed conflict or internal disturbance or any other public emergency; that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments; and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law, and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, without prejudice to any international instrument or national legislation that contains or may contain provisions of wider application,

Noting that, under the Geneva Conventions of 1949, torture and inhuman treatment are a grave breach and that, under the Statute of the International Criminal Tribunal for the Former Yugoslavia, the Statute of the International Criminal Tribunal for Rwanda and the Rome Statute of the International Criminal Court, acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Welcoming the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, the implementation of which will make a significant contribution to the prevention and prohibition of torture, including by prohibiting places of secret detention and encouraging all States that have not ratified or acceded to the Convention to consider doing so,

Commending the persistent efforts of civil society, in particular non-governmental organizations, national human rights institutions and national preventive mechanisms, and the considerable network of centres for the rehabilitation of torture victims to prevent and combat torture and to alleviate the suffering of victims of torture,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also all relevant resolutions of the General Assembly, the Economic and Social Council, the Human Rights Council and the Commission on Human Rights on the subject,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to

implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* any action or attempt by States or public officials to legalize, authorize or acquiesce to torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions, and urges States to ensure accountability for all such acts;

3. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(a) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(b) To conduct country visits with the consent or at the invitation of Governments;

(c) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(d) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(e) To integrate a gender perspective throughout the work of his or her mandate;

(f) To continue to cooperate with the Committee against Torture, the Subcommittee for the Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations;

(g) To report on all of his or her activities, observations, conclusions and recommendations to the Human Rights Council, in accordance with its programme of work, and annually on the overall trends and developments with regard to his or her mandate to the General Assembly, with a view to maximizing benefits of the reporting process;

4. *Takes note with appreciation* of the report of the Special Rapporteur[40] and his victim-oriented approach;

5. *Emphasizes* that acts of torture are serious violations of international human rights law and humanitarian law and can constitute crimes against humanity and, when committed in a situation of armed conflict, war crimes, and that the perpetrators thereof are liable to prosecution and punishment;

6. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to fully and expeditiously respond to his or her urgent appeals, and urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

[40] A/HRC/16/52.

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries, and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries;

(c) To ensure, as an important element in the prevention and combat of torture and other cruel, inhuman and degrading treatment or punishment, that no authority or official orders, applies, permits or tolerates any sanction or other prejudice against any person or organization for having been in contact with the Special Rapporteur or any other international or national monitoring or preventive body active in the prevention and combat of torture and other cruel, inhuman or degrading treatment or punishment;

(d) To ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur;

7. *Also urges* States:

(a) To implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and ensure that conditions of detention respect the dignity and human rights of detainees;

(b) To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed; and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent and combat torture;

(c) To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(d) Not to expel, return (refouler), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stressing the importance of effective legal and procedural safeguards in this regard, and recognizing that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

(e) To ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities

where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

(f) To ensure that all acts of torture are offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

(g) To ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty, and that persons charged with torture or cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending;

(h) Not to punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

(i) To protect medical and other personnel for their role in documenting torture or any other form of cruel, inhuman or degrading treatment or punishment and in treating victims of such acts;

(j) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on the Prevention of Torture;

(k) To adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment;

(l) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority, and to give early consideration to signing and ratifying the Optional Protocol thereto and to designating or establishing truly independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in a timely manner;

8. *Reminds* States that:

(a) Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture;

(b) Prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person and to ensure that secret places of detention and interrogation are abolished;

9. *Welcomes* the reports of the Committee against Torture and the Subcommittee on the Prevention of Torture;

10. *Takes note* of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture, and calls upon the Board of the Fund to report to the Human Rights Council in accordance with its annual programme of work;

11. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and

the necessary facilities and resources for the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

12. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, and appeals to all Governments, organizations and individuals to contribute annually to the Fund, preferably with a substantial increase in contributions, and encourages contributions to the Special Fund established by the Optional Protocol to the Convention to help finance the implementation of the recommendations made by the Subcommittee on Prevention, as well as education programmes of national preventive mechanisms;

13. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture, as proclaimed by the General Assembly in its resolution 52/149 of 12 December 1997;

14. *Decides* to continue to consider this matter in conformity with its annual programme of work.

47th meeting
25 March 2011

[Adopted without a vote.]

16/24
Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming also previous resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in Myanmar, including Council resolutions 10/27 of 27 March 2009, 12/20 of 2 October 2009 and 13/25 of 26 March 2010, and General Assembly resolutions 64/238 of 24 December 2009 and 65/241 of 24 December 2010,

Welcoming the work of the Special Rapporteur on the situation of human rights in Myanmar, taking note of his latest report,[41] in which he urges the implementation of the recommendations contained therein and those within previous reports, concerned about the lack of implementation of previous recommendations and regretting that no visit of the Special Rapporteur has been allowed to the country since February 2010,

Increasingly concerned that the urgent calls contained in the above-mentioned resolutions and reports and in those of other United Nations bodies concerning the human rights situation in Myanmar have still not been met, and emphasizing the urgent need for significant progress towards meeting the calls of the international community,

[41] A/HRC/16/59.

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of the entire population of the country, as stated in the Charter, the Universal Declaration of Human Rights and other applicable human rights instruments,

Particularly concerned by the restrictions imposed on the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including a number of ethnic groups, thus preventing a genuine process of dialogue, national reconciliation and transition to democracy,

Noting the stated intention of the Government of Myanmar to implement a democratic transitional process and, desirous of seeing the full restoration of democracy and full enjoyment of human rights for all, underlining the importance of its prompt implementation,

Noting also that free, fair, transparent and inclusive elections must be the cornerstone of any democratic reform process, regretting that the 2010 general elections represent a missed opportunity in this regard, and noting in particular in this respect the restrictions imposed by the electoral laws as enacted and implemented by the Government and the lack of independence of the electoral commission, and also expressing concern at the failure of the electoral commission to follow up on complaints about the electoral process, including voting procedures,

Taking note of the participation by the Government of Myanmar in the universal periodic review in January 2011 as the State under review, acknowledging in this regard its support for certain recommendations, expressing hope for the due consideration and acceptance of as many pending recommendations as possible and for the implementation in practice of the many important recommendations that were rejected,

Noting with serious concern that the grave human rights situation in Myanmar forces thousands of people to seek refuge in neighbouring countries,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Urges* the Government of Myanmar to begin an inclusive post-election process of national reconciliation for a credible transition to democracy, including through meaningful dialogue and the participation of representatives of all groups in the political life of the country, within the framework of a transition to a civilian, legitimate and accountable system of government, based on the rule of law and respect for human rights and fundamental freedoms, and to these ends to take immediate measures to engage in a meaningful and substantive dialogue through all channels with all opposition parties, political, ethnic and civil society groups and actors, including Daw Aung San Suu Kyi;

3. *Welcomes* the release of Daw Aung San Suu Kyi following the most recent period of her arbitrary house arrest, and noting that her release is unconditional, calls on the Government of Myanmar to guarantee the full enjoyment of all human rights, including civil and political rights, and fundamental freedoms, for all people in Myanmar, including Daw Aung San Suu Kyi, in particular with regard to unrestricted movement in and outside the country and unrestricted contact with all domestic stakeholders;

4. *Calls on* the Government of Myanmar to protect the physical safety of all people in Myanmar, including Daw Aung San Suu Kyi, in a manner that is consistent with respect for human rights and fundamental freedoms;

5. *Calls upon* the Government to recognize the pre-election registration status of all political parties, including the National League for Democracy, and to lift all restrictions imposed on the representatives of political parties as well as on other political and civil society actors in the country;

6. *Strongly calls upon* the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes;

7. *Strongly urges* the unconditional release of all prisoners of conscience without delay, while expressing concern over their continuing high number, and also strongly urges the Government of Myanmar to desist from carrying out further politically motivated arrests and to release, without delay and without conditions, all prisoners of conscience, whose number is estimated to be approximately two thousand two hundred, including the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo, the leader of the 88 Generation Students' Group, U Min Ko Naing, and one of the founders of the 88 Generation Students' Group, Ko Ko Gyi, and to allow their full participation in the political process;

8. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and expression, including for free and independent media, by ensuring the openly available and accessible use of Internet and mobile telephone services and ending the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

9. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of all national legislation with international human rights law while engaging fully with democratic opposition, political, ethnic and civil society groups and actors, and recalling once more that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

10. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary, the independence of lawyers, to guarantee due process of law and to fulfil previous assurances given by the authorities of Myanmar to the Special Rapporteur with respect to beginning a dialogue on judicial reform;

11. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to the continuing grave violations of international human rights and humanitarian law, including the targeting of persons based on their belonging to particular ethnic groups, the targeting of civilians as such in military operations, and rape and other forms of sexual violence, and to end impunity for such acts without delay;

12. *Expresses serious concern* that previous calls to end impunity have not been heeded, and therefore strongly renews its calls upon the Government of Myanmar to undertake, without delay, a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, forced displacements, forced labour, arbitrary detention, rape and other forms of sexual violence, and torture and other forms of ill-treatment, and to bring to justice those responsible in order to end impunity for violations of human rights, and also strongly calls on the Government of Myanmar to do so as a matter of priority and with appropriate attention from the United Nations;

13. *Calls upon* the Government of Myanmar to address, as a matter of urgency, consistent reports of torture and ill-treatment of prisoners of conscience, and to ensure that proper investigations are conducted on all deaths in prison, with family members duly informed of the findings, as well as to improve conditions in prisons and other detention facilities and to avoid the dispersal of prisoners of conscience to isolated prisons far from their families where they cannot receive regular visits or deliveries of supplementary supplies, including food and medicine;

14. *Strongly recommends* that the Government of Myanmar resume cooperation with the International Committee of the Red Cross;

15. *Strongly urges* the Government of Myanmar to end all forms of discrimination and to protect civil, political, economic, social and cultural rights on the basis of the Universal Declaration of Human Rights and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

16. *Expresses its serious concern* at the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations and to recognize the right of members of the Rohingya ethnic minority to nationality and to protect all of their human rights;

17. *Welcomes* the prolongation in February 2011 of the Supplementary Understanding between the International Labour Organization and the Government of Myanmar, the Government's commitment to introduce new legislation making forced labour illegal and repealing the provisions of the Villages and Towns Acts 1907, and the joint Government-International Labour Organization awareness-raising activities, but strongly condemns the continued and serious harassment of complainants and facilitators and urgently calls for the release of those who remain in detention, and urges the Government to proactively intensify measures to end forced labour, including the agreement to produce information brochures in local languages and to facilitate the strengthening of cooperation of the International Labour Organization in Myanmar to further enhance the efficiency of the educative and complaints-management activities undertaken by the liaison officer of the International Labour Organization;

18. *Strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of people within their country and to neighbouring countries, and to end other causes of refugee flows, including the targeting of persons based on their belonging to particular ethnic groups;

19. *Also strongly calls upon* the Government of Myanmar to put an immediate end to the recruitment and use of child soldiers in violation of international law by all parties, welcomes the recent engagement of the Government on this issue and urges it to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for children and armed conflict, including by granting access to areas where children are recruited, for the purpose of implementing a plan of action to halt this practice;

20. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to

ensure their strict compliance with international human rights law and international humanitarian law, and to hold them accountable for any violations thereof;

21. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, and to cooperate fully with those actors to ensure that humanitarian assistance is delivered throughout the country to all persons in need, including displaced persons;

22. *Also calls upon* the Government of Myanmar to consider acceding to the remaining international core human rights treaties, which would enable a dialogue with other human rights treaty bodies;

23. *Further calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

24. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Human Rights Council resolutions 7/32 of 28 March 2008, 10/27 of 27 March 2009 and 13/25 of 26 March 2010;

25. *Strongly urges* the Government of Myanmar to respond favourably and on a more timely basis to the Special Rapporteur's requests to visit the country, to extend its full cooperation, including by providing access to all relevant information, bodies, institutions and persons, so as to enable him to fulfil his mandate effectively, and to implement, without delay, the recommendations addressed to the Government contained in his reports[42] and in Human Rights Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008, 8/14 of 18 June 2008, 10/27, 12/20 and 13/25;

26. *Requests* the Special Rapporteur to submit a progress report, and encourages him to provide an assessment of any progress made by the Government in relation to its stated intention to transition to a democracy to the General Assembly at its sixty-sixth session, and to the Human Rights Council in accordance with its annual programme of work;

27. *Calls upon* the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him to discharge his mandate fully;

28. *Calls upon* the Government of Myanmar to continue to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

29. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General, his Special Adviser on Myanmar and the Special Rapporteur.

47th meeting
25 March 2011

[Adopted without a vote.]

[42] A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12, A/HRC/10/19, A/HRC/13/48 and A/HRC/16/59.

16/25
Situation of human rights in Côte d'Ivoire

[See chapter I.]

16/26
The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009, 10/29 of 27 March 2009 and 13/17 of 25 March 2010,

Bearing in mind that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on the respect for human dignity, and noting the report of the Chairperson-Rapporteur of the 2010 Social Forum,[43] held in Geneva from 4 to 6 October 2010, which focused on the adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Social Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Takes note* of the report of the Chairman-Rapporteur of the 2010 Social Forum;

2. *Also takes note* of the conclusions and recommendations of the 2010 Social Forum and the innovative nature of many of them, and calls upon States, international organizations, in particular those with a mandate for poverty eradication, non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing poverty eradication programmes and strategies;

3. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum, and, to this end, considers, inter alia, the possibility of the establishment of a voluntary United Nations fund to contribute to providing resources to these organizations so that they may participate in and contribute to the deliberations of future sessions;

[43] A/HRC/16/62 and Corr.1.

4. *Underlines the importance* of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

5. *Stresses the need* for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development, bearing in mind that 2011 marks the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development;

6. *Decides* that the Social Forum will meet for three working days in 2011, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and decides that, at its next meeting, the Social Forum should focus on:

(a) The promotion and effective realization of the right to development, in the context of the commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development;

(b) Measures and actions needed to make the right to development a reality for everyone at the local, national, regional and international levels, including the role and contribution of civil society and non-governmental organizations;

(c) International assistance and cooperation, as well as the promotion of an enabling environment for the realization of the right to development;

7. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2011 Social Forum, bearing in mind the principle of regional rotation;

8. *Requests* the United Nations High Commissioner for Human Rights to consult all actors identified in the present resolution on the issues referred to in paragraph 6 above, and to submit a report as a background contribution for the dialogues and debates held at the 2011 Social Forum;

9. *Also requests* the High Commissioner to facilitate participation in the 2011 Social Forum, in order to contribute to interactive dialogues and debate at the Forum and assist the Chairperson-Rapporteur as resource persons, of up to ten experts, including relevant Council thematic procedures mandate holders, in particular the independent expert on the question of human rights and extreme poverty and the independent expert on human rights and international solidarity, as well as relevant representatives from civil society and grass-roots organizations in developing countries;

10. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, in particular newly emerging actors such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national

and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, on the basis of arrangements including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

11. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

12. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Social Forum and to take all practical measures required for the success of this initiative;

13. *Invites* the 2011 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council;

14. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

15. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2011 Social Forum is submitted to the Human Rights Council.

47th meeting
25 March 2011

[Adopted without a vote.]

16/27
The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, in particular Assembly resolution 65/220 of 21 December 2010 and Council resolution 13/4 of 24 March 2010, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening of the world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit, adopted on 13 June 2002, the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Countries, adopted on 15 April 1994,

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Recalling the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State should adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Recognizing that, despite the efforts made, the problems of hunger and food insecurity have a global dimension and that there has been insufficient progress made in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis as a combination of several major factors, including speculation on food commodities and macroeconomic factors, also affected negatively by environmental degradation, desertification and global climate change, natural disasters and the lack of development and transfer of relevant technology to address this issue, particularly in developing countries and least developed countries,

Concerned by the fact that the effects of the world food crisis continue to have serious consequences on the most vulnerable people, particularly in developing countries, which have been further aggravated by the world economic and financial crisis, and alarmed at the particular effects of this crisis on many net food-importing countries, especially on least developed countries in Africa, Asia, Latin America and the Caribbean,

Convinced that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and sell their products, thereby facilitating the realization of the right to adequate food,

Noting that environmental degradation, desertification and global climate change are factors contributing to destitution and desperation and have a negative impact on the realization of the right to food, in particular in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the substantial decline of assistance devoted to agriculture since 1980, both in real terms and as a share of total official development assistance, while noting the recent partial inversion of this trend,

Recalling the pledges made to increase official development assistance devoted to agriculture, as well as that the realization of the right to food not only entails an increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers and the most vulnerable groups, as well as national and international policies that are conducive to the realization of this right,

Recognizing the need to increase sustainable investment in agriculture from all relevant sources for the realization of the right to food,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Expresses grave concern* at the evolution of the world food crisis, which seriously undermines the realization of the right to food for all, especially for one sixth of the world population, mainly in developing and least developed countries, who suffer from hunger, malnutrition and food insecurity;

4. *Considers it intolerable* that, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is nine hundred and twenty five million worldwide, and that there is an additional one billion people suffering from serious malnutrition, including as a result of the global food crisis, even

though, according to the latter organization, the planet could produce enough food to feed twelve billion people;

5. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

6. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

7. *Stresses the need* to guarantee fair and non-discriminatory access to land rights for smallholders, traditional farmers and their organizations, including, in particular, rural women and vulnerable groups;

8. *Encourages* the Special Rapporteur on the right to food to ensure the mainstreaming of a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective and a human rights perspective into their relevant policies, programmes and activities regarding access to food;

9. *Reaffirms the need* to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

10. *Encourages* States to mainstream a human rights perspective in building and reviewing their national strategies for the realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms, in order to:

(a) Identify, at the earliest stage possible, emerging threats to the right to adequate food, with a view to facing them;

(b) Strengthen the overall national human rights protection system with a view to contributing to the realization of the right to food;

(c) Improve coordination between the different relevant ministries and between national and subnational levels of government;

(d) Improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation;

(e) Ensure adequate participation, particularly of the most food-insecure segments of the population;

(f) Pay specific attention to the need to improve the situation of the most vulnerable segments of society;

11. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated

response and upon request, international cooperation in support for national and regional efforts by providing the assistance necessary to increase food production, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid ensuring food security, with a special focus on the gender-sensitive dimension;

12. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1, and article 11, paragraph 2 thereof, in particular with regard to the right to adequate food;

13. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all the measures necessary to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

14. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts as well as in programmes, practices and policies to scale up agroecological approaches, and encourages States and donors, both public and private, to examine and consider ways to integrate, where applicable and according to national contexts, the recommendations contained in the latest report of the Special Rapporteur on the right to food[44] in policies and programmes;

15. *Recognizes* that 80 per cent of people suffering from hunger live in rural areas, and 50 per cent are small-scale and traditional farm holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of various inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element to food security and the provision of the right to food;

16. *Stresses the importance* of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in countries experiencing serious drought and/or desertification, particularly in Africa;

17. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face to the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

[44] A/HRC/16/49.

18. *Requests* all States and private actors, and international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

19. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

20. *Recognizes the need* to strengthen national commitment as well as international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

21. *Stresses the need* to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

22. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

23. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

24. *Recalls the importance* of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

25. *Recognizes* that the commitments made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States and international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority and provide the necessary funding to realize the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

26. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

27. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

28. *Stresses the importance* of international cooperation and development assistance, as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability and the provision of humanitarian food assistance in activities relating to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

29. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote such policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

30. *Encourages* developing countries to establish regional arrangements where they do not exist, with the support of the international community and development partners to ensure adequate food production and thereby contribute to ensuring food security, in particular in developing countries that have scarce fertile land;

31. *Welcomes* the adoption by the Food and Agriculture Organization of the United Nations of a regional approach towards ensuring food security, and expresses its appreciation at the current collaboration with all Rome-based institutions working comprehensively towards the realization of the right to food;

32. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

33. *Encourages* the Special Rapporteur to continue his collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

34. *Expresses concern* at the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power and the increased price volatility of agricultural commodities on international markets, particularly on people in developing countries and on net food-importing countries;

35. *Encourages* the Special Rapporteur, within his existing mandate, to explore, in consultation with Member States and relevant stakeholders, ways and means of raising the capacity of countries, particularly developing countries, including least developed and net food-importing developing countries, to ensure the realization and protection of the right to adequate food for their populations, and to report on his findings to the Council;

36. *Takes note with appreciation* of the report of the Special Rapporteur[44] and the recommendations contained therein;

37. *Supports* the fulfilment of the mandate of the Special Rapporteur, as extended for a period of three years by the Council in its resolution 13/4, and takes note with appreciation of the work conducted by the Special Rapporteur in the fulfilment of his mandate;

38. *Requests* the Special Rapporteur, as part of his mandate, to continue to monitor the evolution of the world food crisis and, in the context of his mandate and regular reports, to keep the Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

39. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

40. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

41. *Recalls* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

42. *Reaffirms* that the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security represent a practical tool in the promotion of the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

43. *Acknowledges* the work being carried out by the Advisory Committee on the right to food and, in that regard, welcomes its submission to the Council of the final study on discrimination in the context of the right to food,[45] and requests the Committee to undertake, as appropriate, comprehensive studies on the following topics:

(a) The urban poor and their enjoyment of the right to food, including strategies to improve their protection and best practices;

(b) Rural women and their enjoyment of the right to food, including patterns of discrimination, strategies and policies for their protection and best practices, with a special focus on female-headed households and temporary or seasonal workers;

(c) The relationship between severe malnutrition and childhood diseases, taking children affected by noma as an example, and ways to improve the protection of malnourished children;

44. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the topics listed in paragraph 43 above, in order that the Advisory Committee may take them into account for the conclusion of its comprehensive studies;

45. *Requests* the Advisory Committee to continue to work on the issue of discrimination in the context of the right to food and, in that regard, takes note of its preliminary study on ways and means to further advance the rights of people working in rural areas, including women, in particular smallholders engaged in the production of food and/or

[45] A/HRC/16/40.

other agricultural products, including from directly working the land, traditional fishing, hunting and herding activities;[46]

46. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, and all other relevant stakeholders on the preliminary study referred to in paragraph 45 above, in order that the Advisory Committee may take them into account in the preparation of the final study to be presented to the Council at its nineteenth session;

47. *Welcomes* the continued cooperation of the High Commissioner, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation;

48. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task by supplying all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

49. *Recalls* the requests made by the General Assembly, in its resolution 64/159, that the Special Rapporteur submit to the Assembly an interim report at its sixty-fifth session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

50. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

51. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Council at its nineteenth session;

52. *Decides* to continue consideration of this matter under the same agenda item at its nineteenth session.

48th meeting
25 March 2011

[Adopted without a vote.]

16/28
The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Human Rights Council,

Recalling Human Rights Council resolution 12/27 of 2 October 2009 and relevant Commission on Human Rights resolutions, the Political Declaration on HIV/AIDS, adopted by the General Assembly on 2 June 2006 and the Declaration of Commitment on HIV/AIDS, adopted by the Assembly on 27 June 2001,

[46] A/HRC/16/63.

Recalling also the Guidelines on HIV/AIDS and Human Rights (hereinafter referred to as "the Guidelines") referred to in the above-mentioned resolutions and annexed to Commission on Human Rights resolution 1997/33, which provide guidance to ensuring the respect, protection and fulfilment of human rights in the context of HIV,

Emphasizing the significance of the comprehensive review in 2011, as requested by the General Assembly in its resolution 65/180 of 20 December 2010, which will mark three decades of the HIV/AIDS pandemic, the ten-year review of the Declaration of Commitment on HIV/AIDS and its time-bound measurable goals and targets, and the five-year review of the Political Declaration on HIV/AIDS with the goal of achieving universal access to comprehensive HIV prevention, treatment, care and support by 2010,

Recalling Human Rights Council resolution 15/22 of 30 September 2010, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Noting with concern that almost fourteen million six hundred thousand HIV-positive people in low- and middle-income countries lack access to antiretroviral therapy, particularly in sub-Saharan Africa, that an estimated one million end-stage AIDS patients have no access to treatment for moderate to severe pain, and that many people in need fail to receive treatment for tuberculosis and other HIV-related opportunistic infections,

Recalling that access to medicine is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that it is the responsibility of States to ensure access for all, without discrimination, to medicines, in particular essential medicines that are affordable, safe, effective and of good quality,

Reaffirming the right to use, to the fullest extent, the provisions contained in the World Trade Organization Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement), the Doha Declaration on the TRIPS Agreement and Public Health, the decision of the General Council of the World Trade Organization of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration and, when formal acceptance procedures are completed, the amendments to article 31 of the TRIPS Agreement, as proposed by the General Council of the World Trade Organization in its decision of 6 December 2005, which provide flexibilities for the protection of public health, and, in particular, to promote access to medicines for all, encouraging the provision of assistance to developing countries in this regard and calling for a broad and timely acceptance of the amendments to article 31 of the TRIPS Agreement,

Recalling the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, adopted by the World Health Assembly on 24 May 2008,

Reaffirming the urgent need to scale up efforts significantly towards the goal of universal access to comprehensive HIV prevention, treatment, care and support,

Recalling World Health Assembly resolutions 62.12, on primary health care, including health system strengthening, and 62.14, on reducing health inequities through action on the social determinants of health, of 22 May 2009,

Expressing deep concern that HIV infection significantly increases the risk of maternal mortality and morbidity and that, in countries with high HIV prevalence, AIDS-related complications are one of the leading causes of maternal mortality,

Noting with concern that more than sixteen million children under the age of 18 have been orphaned by AIDS, and that about fourteen million eight hundred thousand of these children live in sub-Saharan Africa,

Concerned at the continuing high prevalence of HIV among key populations at higher risk, as defined in the 2011–2015 Strategy of the Joint United Nations Programme on HIV/AIDS, endnote 41 (hereinafter referred to as "key populations"), and the need to ensure their unimpeded access to HIV-related prevention, treatment, care and support,

Mindful of the importance of ensuring national, regional and international legal environments that ensure universal access to HIV-related prevention, treatment, care and support, including for key populations,

Concerned at the instances of multiple or aggravated forms of discrimination, stigma, violence and abuses that affect the enjoyment of human rights and often lead to particular targeting of people living with, presumed to be living with or affected by HIV/AIDS and members of key populations, as well as to increased vulnerability to HIV, and also recalling the importance that States adopt or strengthen programmes or measures to eradicate multiple or aggravated forms of discrimination, violence and abuse, in particular by adopting or improving penal or civil legislation to address these phenomena,

Reaffirming the importance of achieving Millennium Development Goal 6 (to combat HIV/AIDS, malaria and other diseases), and noting that poverty, inequality and food insecurity increase people's vulnerability to HIV, posing increased risks of infection to populations in every region while at the same time undermining the socio-economic conditions of people living with HIV or those affected by the epidemic,

Recalling that stigma and discrimination are major obstacles to an effective HIV response, that discrimination on the basis of HIV status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted as covering health status, including HIV/AIDS,

Reaffirming that the full realization of human rights and fundamental freedoms for all is an essential element in the global response to the HIV/AIDS pandemic, including in the areas of prevention, care, support and treatment, and that such a response reduces people's vulnerability to HIV/AIDS and prevents stigma and related discrimination against people living with or at risk of HIV/AIDS,

Emphasizing, in view of the increasing challenges presented by HIV/AIDS, including apparent trends to enact criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts and the ongoing application of HIV-specific restrictions on the entry, stay and residence of HIV-positive people, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all in order to reduce vulnerability to HIV, prevent HIV/AIDS-related discrimination and stigma and reduce the impact of AIDS,

Recalling Commission on the Status of Women resolutions 53/2 of 13 March 2009 and 54/2 of 12 March 2010,

Bearing in mind the vision of zero new infections, zero AIDS-related deaths and zero discrimination in the global HIV/AIDS response, referred to in the 2011–2015 Strategy of the Joint United Nations Programme on HIV/AIDS,

Recalling Commission on Narcotic Drugs resolutions 53/9, on achieving universal access to prevention, treatment, care and support for people who use drugs and people living with or affected by HIV, and 53/4, on promoting adequate availability of internationally controlled licit drugs for medical and scientific purposes while preventing their diversion and

abuse, of 12 March 2010, and encouraging their implementation within the framework of national legislation,

Noting International Labour Organization Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200), adopted at the ninety-ninth International Labour Conference,

Noting also resolution 63.19 of 21 May 2010, entitled "WHO HIV/AIDS strategy for 2011–2015", of the World Health Assembly,

Reaffirming the outcome document of the High-level Plenary Meeting of the General Assembly, entitled "Keeping the promise: united to achieve the Millennium Development Goals", contained in General Assembly resolution 65/1 of 22 September 2010,

Recalling General Assembly resolutions 63/33 of 26 November 2008, 64/108 of 10 December and 65/95 of 9 December 2010, on global health and foreign policy,

Noting the establishment, in June 2010, of the Global Commission on HIV and the Law,

1. *Affirms* that the protection of human rights in the context of HIV/AIDS, including universal access to HIV-related prevention, treatment, care and support, is an essential element to achieve progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Takes note* of the report of the Secretary-General on the protection of human rights in the context of HIV/AIDS;[47]

3. *Recalls* the 2011–2015 Strategy of the Joint United Nations Programme on HIV/AIDS, and encourages States to ensure its implementation, in accordance with their national contexts and priorities, in cooperation with relevant United Nations funds, programmes and specialized agencies and international and non-governmental organizations;

4. *Calls upon* all States and relevant United Nations funds, programmes and specialized agencies and international and non-governmental organizations to continue to take all steps necessary to ensure the respect, protection and fulfilment of human rights in the context of HIV/AIDS, as referred to in the Guidelines, as an essential part of efforts to achieve the goal of universal access to HIV prevention, treatment, care and support;

5. *Urges* States to ensure full and unimpeded access for all, particularly key populations, to HIV prevention, treatment, care and support, in a public health environment free from discrimination, harassment or persecution against those seeking HIV-related services;

6. *Calls upon* States, United Nations funds, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, upon their request, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their people;

7. *Reiterates* the commitment to significantly intensify prevention efforts and increase access to treatment, in accordance with relevant national circumstances, by, inter alia, strengthening health systems, scaling up strategically aligned programmes aimed at reducing the risks and vulnerability of persons more likely to be infected with HIV, and combining biomedical, behavioural, social and structural interventions, and through the empowerment of

[47] A/HRC/16/69.

women and adolescents so as to increase their capacity to protect themselves from the risk of HIV infection, and through the promotion and protection of all human rights;

8. *Also reiterates* that prevention programmes should be at the core of national, regional and international responses to the pandemic, and recalls the commitment to intensify efforts to ensure that a wide range of prevention programmes that are evidence-informed and take into account local circumstances, ethics and cultural values is available in all countries, especially most affected countries, and include information and education based on scientific evidence, and communication in languages most understood by local communities and in accessible formats for persons with disabilities, with the aim of:

(a) Reducing risk-taking behaviours and encouraging responsible sexual behaviour;

(b) Expanding access to essential commodities, including male and female condoms and sterile injecting equipment;

(c) Providing age-appropriate education on sexual and reproductive health, as well as human rights education to all persons, including children and young people;

(d) Considering harm-reduction programmes in relation to HIV as enumerated in the technical guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users, published by the World Health Organizations, the United Nations Office on Drugs and Crime and the Joint United Nations Programme on HIV/AIDS, in accordance with relevant national circumstances;

(e) Expanding access to voluntary and confidential counselling and testing, and safe blood supplies;

(f) Promoting testing and ensuring early and effective treatment of sexually transmitted, co- and opportunistic infections;

(g) Promoting policies that ensure effective prevention and accelerate research and development into new tools for prevention, including microbicides and vaccines with proven efficacy, as well as universal access to them;

9. *Calls upon* all States, United Nations funds, programmes and specialized agencies, international and non-governmental organizations and relevant stakeholders to integrate HIV/AIDS services into comprehensive health-care services, and to facilitate the incorporation of migrants, refugees and internally displaced persons into national and regional HIV/AIDS strategies;

10. *Urges* all States to eliminate gender-based discrimination, stigma, violence and abuse to ensure that women can decide freely and responsibly on matters relating to their sexuality through, inter alia, the provision of health-care services, including sexual and reproductive health, information and education based on scientific evidence, and to integrate the promotion and protection of reproductive rights, as understood in previous international commitments, as components of national strategies on HIV/AIDS;

11. *Calls upon* States and United Nations funds, programmes and specialized agencies and international organizations, within their respective mandates, as well as non-governmental organizations, and relevant stakeholders, to ensure the availability, accessibility and affordability of medicines and health-care services for HIV-positive pregnant women, with a view to eliminating vertical transmission and securing the health of these women;

12. *Requests* States to develop further and, where necessary, to establish coordinated, participatory, gender-sensitive, transparent, evidence-informed and accountable

national HIV/AIDS policies and programmes, and to implement them at all levels, including in prisons or other detention facilities, in cooperation with civil society, including faith- and community-based organizations, women's organizations, advocacy groups and representatives of people living with HIV and other key populations;

13. *Calls upon* States to address as a priority the vulnerabilities faced by children and adolescents affected by and living with HIV, providing those children and their families with support and rehabilitation, including social and psychological rehabilitation and care, including paediatric services and medicines, and intensifying efforts to develop early diagnosis tools, child-friendly medicine combinations and new treatments for children, particularly for infants living in resource-limited settings, and building, where needed, and supporting social security systems that protect them;

14. *Encourages* all States to consider eliminating HIV-specific restrictions on entry, stay and residence and ensure that people living with HIV are no longer excluded, detained or deported on the basis of their HIV status;

15. *Encourages* States, United Nations programmes and agencies and relevant stakeholders to ensure that HIV/AIDS programmes and services are inclusive of and accessible to persons with disabilities and consistent with their human rights;

16. *Urges* States to ensure confidentiality and informed consent in the provision of health care, in particular with regard to sexual and reproductive health, to persons living with or affected by HIV/AIDS, including children, according to their evolving capacities;

17. *Encourages* States, as appropriate, in the context of HIV prevention, treatment, care and support, to ensure education and training for health workers on non-discrimination, informed consent, confidentiality and the duty to provide treatment, and to ensure education and training for police and other law enforcement officials on non-discrimination and non-harassment, so as to allow outreach and other service activities;

18. *Encourages* States, United Nations funds, programmes and agencies, international and non-governmental organizations and relevant stakeholders to ensure the meaningful participation of people living with or affected by HIV/AIDS and key populations in both decision-making processes related to and implementation of policies and programmes on HIV/AIDS;

19. *Encourages* all States to apply measures and procedures to enforce intellectual property rights in a manner that avoids the creation of barriers to the legitimate trade of medicines, and to provide for safeguards against the abuse of such measures and procedures, taking into account, inter alia, the Doha Declaration on the Agreement on Trade-related Aspects of Intellectual Property Rights and Public Health;

20. *Urges* all States to consider taking steps towards the elimination of criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, including laws directly mandating disclosure of HIV status or that violate the human rights of people living with HIV and members of key populations, and also urges States to consider the enactment of laws protecting these persons from discrimination, abuse and violence in HIV prevention, treatment, care and support efforts;

21. *Invites* the human rights treaty bodies, when considering national reports, to give particular attention to the protection of human rights in the context of HIV/AIDS;

22. *Invites* all special procedures to contribute further to the analysis of the human rights dimensions of the HIV/AIDS epidemic;

23. *Encourages* all States to include information on human rights in the context of HIV/AIDS in their national reports to be submitted to the Council in the framework of the universal periodic review mechanism and in their reports submitted to treaty bodies;

24. *Encourages* the 2011 World Conference on Social Determinants of Health, organized by the World Health Organization, to address the issue of human rights as a central element in the context of HIV/AIDS;

25. *Requests* the Office of the United Nations High Commissioner for Human Rights to engage actively with the 2011 General Assembly High-level Meeting on AIDS, providing a human rights-based perspective, and to inform the Human Rights Council thereon;

26. *Decides* to hold a panel discussion at its nineteenth session, within existing resources, in consultation with all regional groups, to give voice to people living with or affected by HIV/AIDS, in particular young people, women and orphaned children, with a view to taking into account their experiences in reinforcing the centrality of human rights in the response to HIV/AIDS, in the context of the timely achievement of Millennium Development Goal 6 and in compliance with the Political Declaration on HIV/AIDS and the Declaration of Commitment on HIV/AIDS.

48th meeting
25 March 2011

[Adopted without a vote.]

16/29
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Affirming the responsibility of the international community to promote human rights and ensure respect for international law,

Acknowledging that peace, security, development and human rights are the pillars of the United Nations system,

Affirming the applicability of the fourth Geneva Convention relative to the protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Recalling the obligations of the High Contracting Parties to the Fourth Geneva Convention, and reaffirming that each High Contracting Party to the Fourth Geneva Convention is under the obligation to respect and ensure respect of their obligations arising from that Convention, in all circumstances,

Affirming the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Guided by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Deeply concerned at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in and around the holy city of Jerusalem,

Expressing serious concern at the lack of implementation by all parties to the conflict of the resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem,

Condemning all forms of violence against civilians by all the parties to the conflict, and deploring the loss of human lives in the context of the current situation,

Recognizing that the continuous Israeli military attacks and operations in the Occupied Palestinian Territory have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein, and undermine international efforts to achieve a just and lasting peace in the region based on the two-State solution,

Recognizing also that the continuous launching of rockets from the occupied Gaza Strip against civilians constitutes a severe violation of international humanitarian and human rights law and undermines international efforts to achieve a peace settlement,

Recognizing further that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, constitutes collective punishment and leads to disastrous humanitarian, economic, social and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967 and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the continuous Israeli military attacks and operations in the Occupied Palestinian Territory, including its regular military incursions, and calls for their immediate cessation;

3. *Condemns* the indiscriminate rocket and mortar fire from the occupied Gaza Strip against civilians, and calls for their immediate cessation;

4. *Demands* that the occupying Power, Israel, stop the targeting of civilians and halt its administrative decisions and practices that directly or indirectly coerce Palestinian citizens to leave East Jerusalem, including evictions, demolitions, forced displacements, cancelation of residence permits and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

5. *Condemns* the disrespect of the religious and cultural rights provided for in core human rights instruments and humanitarian law by the occupying Power, Israel, in the Occupied Palestinian Territory, including al-Haram al Ibrahimi in Hebron and Bilal Mosque

("Tomb of Rachel") in Bethlehem and the walls of the old city of Jerusalem, which are on its list of national heritage sites;

6. *Demands* that the occupying Power, Israel, respect religious and cultural rights in the occupied Palestinian territories, particularly in occupied East Jerusalem, as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions and the Geneva Conventions, and that it allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

7. *Expresses its grave concern* at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamila) Cemetery in the holy city of Jerusalem in order to construct a "museum of tolerance", and calls upon the Government of Israel to immediately desist from such illegal activities therein;

8. *Demands* that the occupying Power, Israel, immediately cease all ongoing diggings and excavation work beneath and around the Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem, and refrain from any act that may endanger the structure or foundations or change the nature of the holy sites, both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

9. *Calls for* immediate international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, applicable in the Occupied Palestinian Territory, including East Jerusalem;

10. *Demands* that the occupying Power, Israel, take the necessary measures to ensure the respect of internationally recognized sports principles as enshrined in the Charter of the International Olympic Committee, particularly the free movement and circulation of Palestinian sports teams and athletes within the Occupied Palestinian Territory, including administrative staff, and in relation with the external world, and facilitate the access of internationally donated equipment and sports materials, and that it grant regional and international teams and sports figures unhindered access to the Occupied Palestinian Territory and desist from imposing illegal measures on the construction of sports facilities throughout the Occupied Palestinian Territory, including in East Jerusalem;

11. *Also demands* that the occupying Power, Israel, immediately stop its illegal decisions to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in Al-Sheikh Jarrah and Beit Hanina areas of East Jerusalem, which is resulting in the displacement of a large number of resident Palestinians of East Jerusalem;

12. *Further demands* that the occupying Power, Israel, release Palestinian prisoners and detainees, including women, children and elected members of the Palestinian Legislative Council;

13. *Calls upon* the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements;

14. *Demands* that the occupying Power, Israel, immediately lift the siege imposed on the occupied Gaza Strip and that it open all borders and crossing points and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment for the reconstruction and rehabilitation of Gaza, as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009;

15. *Decides* to continue the consideration of this question at its nineteenth session.

48th meeting
25 March 2011

[Adopted by a recorded vote of 30 to 1, with 15 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Belgium, Cameroon, France, Guatemala, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia]

16/30
Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[48] and in particular part I, paragraphs 2 and 3 thereof, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

[48] A/CONF.157/23.

Recalling further the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses the need* for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue the consideration of this question at its nineteenth session.

48th meeting
25 March 2011

[Adopted by a recorded vote of 45 to 1, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia

Against:

United States of America]

16/31
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Mindful that Israel is a party to the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population to the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

Recalling also General Assembly resolution ES-10/15 of 20 July 2004 and other relevant United Nations resolutions,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, are illegal under international law and constitute very serious violations of the international humanitarian law and of the human rights of the Palestinian people therein, and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling the statement made by the Quartet on 21 September 2010 and its attachment to the implementation by the parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[49] and noting specifically its call for a freeze on all settlement activities,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law and relevant United Nations

[49] S/2003/529, annex.

resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activities undermine the realization of a two-State solution,

Expressing grave concern about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the Council of the European Union conclusions on the Middle East Peace Process of 8 December 2009, in which the European Union Council of Ministers reiterated that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, and particularly its urgent call upon the Government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank and including natural growth, and to dismantle all outposts erected since March 2001;

2. *Welcomes with appreciation* the statements made by the majority of the States Members of the United Nations on the illegality of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the urgent calls by the international community upon the Government of Israel to immediately stop all settlement activities, including in East Jerusalem;

3. *Condemns* the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process, constitute a threat to the two-State solution and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law, and calls upon the Government of Israel to immediately reverse its decisions, which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with relevant United Nations resolutions;

4. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and

comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) Planned Israeli settlement construction in the vicinity of the Adam settlements in the occupied West bank, which constitutes a new settlement block;

(c) The increasing number of newly built structures, in 2008, 2009, 2010 and 2011 amounting to several thousand, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process;

(d) The so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(e) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including the settlements located in the Jordan Valley;

(f) The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent, in which case it would be tantamount to de facto annexation;

(g) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

(h) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population, as well as having impaired the economic and social rights of the Palestinian people;

(i) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

(j) The latest Israeli plans to demolish hundreds of houses in occupied East Jerusalem, including their decision to demolish more than eighty eight houses in the Al-Bustan neighbourhood of Silwan, which would result in the displacement of more than two thousand Palestinian residents of East Jerusalem, in addition to the Israeli decision to evacuate Palestinian families from their houses in Al-Sheikh Jarrah and Beit Hanina areas of East Jerusalem and to replace them with Israeli settlers;

5. *Urges* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities, including in East Jerusalem;

(b) To prevent any new installation of settlers in the occupied territories, including in East Jerusalem;

6. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of the Rafah and Karni crossings, which

is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of United Nations agencies to and within the Occupied Palestinian Territory;

7. *Calls upon* Israel to implement the relevant resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem;

8. *Also calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

9. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

10. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State, and to implement fully the road map endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 1850 (2008) of 16 December 2008. and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

11. *Decides* to continue the consideration of this question at its nineteenth session.

48th meeting
25 March 2011

[Adopted by a recorded vote of 45 to 1, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia

Against:

United States of America]

16/32
Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

[See chapter I.]

16/33
Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

Recalling all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 7/34 of 28 March 2008;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the discharge of his/her mandate, including by responding promptly to the Special Rapporteur's communications, including urgent appeals, and by providing the information requested;

3. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly on all activities relating to his/her mandate with a view to maximizing the benefits of the reporting process;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of his/her mandate;

5. *Decides* to remain seized of this priority issue.

48th meeting
25 March 2011

[Adopted without a vote.]

16/34
Advisory services and technical assistance for Burundi

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights treaties,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Bearing in mind Commission on Human Rights resolution 2004/82 of 21 April 2004, and Human Rights Council resolutions 6/5 of 29 September 2007 and 9/19 of 24 September 2008,

Acknowledging the agreement reached by the Human Rights Council at its fifteenth session to hold an interactive dialogue on Burundi at its sixteenth session,

Recognizing the major changes in the Government and the representation of Burundi following the elections held in that country from June to September 2010,

Cognizant of the fact that the new Government has welcomed the process of concluding the establishment of a national human rights institution in line with the Paris Principles, as called for by the Human Rights Council in its resolution 9/19,

Resolves that the independent expert on the situation of human rights in Burundi will report to the Human Rights Council at its seventeenth session, to be followed by an interactive dialogue.

48th meeting
25 March 2011

[Adopted without a vote.]

16/35
The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services

The Human Rights Council,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Human Rights Council resolution 10/33 of 27 March 2009, in which the Council requested the international community to support the establishment of a local cooperation mechanism by the Government of the Democratic Republic of the Congo, the United Nations High Commissioner for Human Rights and the human rights liaison entity in the Democratic Republic of the Congo,

Taking into account Human Rights Council resolution 13/22 of 26 March 2010, in which the Council requested the Government of the Democratic Republic of the Congo to develop a plan, with specific timelines, for the implementation of recommendations on human rights, particularly regarding the fight against impunity and the administration of justice,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments to which they are parties,

Expressing concern at the current human rights situation in the Democratic Republic of the Congo, and calling upon the Government to respect human rights law and international humanitarian law,

Strongly supporting the efforts of the Government of the Democratic Republic of the Congo to put an end to the cycle of impunity for grave international crimes by strengthening its justice system,

Noting with concern the continuing high level of sexual violence, including the Walikale and Fizi rapes, and noting with appreciation the progress in the follow-up by the authorities of the Democratic Republic of the Congo with convictions of perpetrators and reparations to victims,

Acknowledging the joint role played by the Office of the High Commissioner in the Democratic Republic of the Congo and the Human Rights Section of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in improving the human rights situation in the country,

Recognizing the existence of a national programme for the promotion and protection of human rights in the Democratic Republic of the Congo and the resolve of the Government to implement it,

Taking note of the decision by the independent electoral commission to set 27 November 2011 as the date for presidential and national parliamentary elections, and the creation of a new independent national electoral commission,

Noting the third joint report of seven United Nations experts on the situation of human rights in the Democratic Republic of the Congo,[50]

Noting also the report of the High Commissioner on the human rights situation in the Democratic Republic of the Congo and the activities undertaken in the country by her Office,[51]

1. *Takes note* of the commitment of the Government of the Democratic Republic of the Congo to cooperate with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and with the special procedures of the Human Rights Council;

2. *Encourages* the Government of the Democratic Republic of the Congo to continue to cooperate with the human rights liaison entity of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo as a framework for consultation and collaboration in the field of human rights in the country;

3. *Commends* the role played by the international community, in particular the African Union, the European Union, the Southern African Development Community, the Economic Community of the Great Lake Countries and the Economic Community of Central African States, in supporting the efforts of the Democratic Republic of the Congo to strengthen the rule of law and improve the human rights situation in the country;

4. *Urges* the Government of the Democratic Republic of the Congo to redouble its efforts, with the support of the international community, to expeditiously put an end to all violations of human rights and bring perpetrators to justice;

[50] A/HRC/16/68.
[51] A/HRC/16/27.

5. *Welcomes* the efforts of the Government of the Democratic Republic of the Congo to put an end to all human rights violations and to assist victims of such violations;

6. *Takes note* of the initiatives taken by the Government of the Democratic Republic of the Congo to promote the administration of justice, including the recruitment of 2,000 new magistrates, the establishment of juvenile courts and the drafting of a bill that, upon passage, would establish specialized chambers, within Congolese courts, to address serious violations of human rights law and international humanitarian law;

7. *Encourages* the Government of the Democratic Republic of the Congo to continue to ratify international and regional human rights instruments;

8. *Calls upon* the Government of the Democratic Republic of the Congo to ensure free and fair elections, protecting the rights of all citizens;

9. *Encourages* the Government of the Democratic Republic of the Congo to complete the establishment of a national human rights commission, in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles);

10. *Welcomes with satisfaction* the readiness of the Government of the Democratic Republic of the Congo to present an assessment report on its plan of action for the implementation of recommendations on human rights to the Human Rights Council at its nineteenth session;

11. *Invites* the Government of the Democratic Republic of the Congo to promote and protect human rights, including through human rights education;

12. *Calls upon* the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation in the country, and to respond to its requests for technical assistance;

13. *Invites* the Office of the High Commissioner, through its presence in the Democratic Republic of the Congo, to increase and enhance its technical assistance programmes and activities, and to report to the Human Rights Council at its nineteenth session;

14. *Decides* to follow up on the situation of human rights in the Democratic Republic of the Congo at its nineteenth session.

48th meeting
25 March 2011

[Adopted without a vote.]

16/36
Strengthening of technical cooperation and consultative services in Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 13/21 of 26 March 2010,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments to which they are parties,

Noting with appreciation that the situation of human rights and security in Guinea has improved significantly since the adoption by the Human Rights Council of its resolution 13/21 on March 2010,

Recognizing that the important political transition over the past year has laid a good foundation for improving the human right situation in the country,

Recalling that it is the primary responsibility of Guinea to protect its civilian population and to conduct inquiries into violations of human rights and international humanitarian law, and bring perpetrators to justice,

1. *Commends* the efforts of the Economic Community of West African States, the African Union and all relevant authorities, in particular former interim President Sékouba Konaté and current President Alpha Condé, in the restoration of the rule of law, fundamental freedoms and respect of human rights;

2. *Notes with satisfaction* the holding of presidential elections in Guinea and the measures taken by the Government in order to, inter alia, establish a commission of peace, justice and reconciliation;

3. *Invites* the Guinean authorities to pursue their efforts to implement the recommendations of the international commission of inquiry established by the Secretary-General and supported by the Economic Community of West African States and the African Union, relating to:

(a) Combating impunity for those responsible for or involved in serious human rights violations, and in particular acts of sexual violence against women and girls, and adapting national legislation to the Rome Statute of the International Criminal Court;

(b) Protection for, and the granting of assistance of every kind and appropriate reparation to, the victims of acts of violence;

(c) The reform of the justice system;

(d) The reform of the security sector;

(e) The adoption of a national plan to combat all forms of discrimination;

(f) The harmonization of national legislation with Security Council resolution 1820 (2008) of 19 June 2008 on violence against women and girls;

4. *Welcomes* the initiatives taken by the Office of the United Nations High Commissioner for Human Rights through its office in Guinea, in particular in the monitoring of the human rights situation before and during the presidential election process, to support the strengthening of local institutional capacities in promoting and protecting human rights as well as in the fight against impunity;

5. *Reiterates strongly* its call to the international community:

(a) To provide the Guinean authorities with appropriate assistance to promote respect for human rights, including the achievement of the Millennium Development Goals, combating impunity, and reform of the security and justice sectors;

(b) To support the Office of the High Commissioner in Guinea;

6. *Invites* the High Commissioner to report to the Council at its nineteenth session on the situation of human rights and the work of her Office in Guinea.

48th meeting
25 March 2011

[Adopted without a vote.]

B. Decisions

16/101
Outcome of the universal periodic review: Liberia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Liberia on 1 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Liberia which is constituted of the report of the Working Group on Liberia (A/HRC/16/3), together with the views of Liberia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/3/Add.1).

31st meeting
16 March 2011

[Adopted without a vote.]

16/102
Outcome of the universal periodic review: Malawi

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Malawi on 1 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Malawi which is constituted of the report of the Working Group on Malawi (A/HRC/16/4), together with the views of Malawi concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI).

31st meeting
16 March 2011

[Adopted without a vote.]

16/103
Outcome of the universal periodic review: Mongolia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Mongolia on 2 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Mongolia which is constituted of the report of the Working Group on Mongolia (A/HRC/16/5), together with the views of Mongolia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI).

31st meeting
16 March 2011

[Adopted without a vote.]

16/104
Outcome of the universal periodic review: Panama

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Panama on 2 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Panama which is constituted of the report of the Working Group on Panama (A/HRC/16/6), together with the views of Panama concerning the recommendations and/or conclusions, as well as its voluntary

commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/6/Add.1).

32nd meeting
16 March 2011

[Adopted without a vote.]

16/105
Outcome of the universal periodic review: Maldives

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Maldives on 3 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Maldives which is constituted of the report of the Working Group on Maldives (A/HRC/16/7), together with the views of Maldives concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/7/Add.1).

32nd meeting
16 March 2011

[Adopted without a vote.]

16/106
Outcome of the universal periodic review: Andorra

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Andorra on 3 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Andorra which is constituted of the report of the Working Group on Andorra (A/HRC/16/8), together with the views of Andorra concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/8/Add.1).

32nd meeting
16 March 2011

[Adopted without a vote.]

16/107
Outcome of the universal periodic review: Bulgaria

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Bulgaria on 4 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Bulgaria which is constituted of the report of the Working Group on Bulgaria (A/HRC/16/9), together with the views of Bulgaria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/9/Add.1).

33rd meeting
17 March 2011

[Adopted without a vote.]

16/108
Outcome of the universal periodic review: Honduras

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Honduras on 4 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Honduras which is constituted of the report of the Working Group on Honduras (A/HRC/16/10), together with the views of Honduras concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI).

33rd meeting
17 March 2011

[Adopted without a vote.]

16/109
Outcome of the universal periodic review: Lebanon

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Lebanon on 10 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Lebanon which is constituted of the report of the Working Group on Lebanon (A/HRC/16/18), together with the views of Lebanon concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI).

33rd meeting
17 March 2011

[Adopted without a vote.]

16/110
Outcome of the universal periodic review: Marshall Islands

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Marshall Islands on 5 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Marshall Islands which is constituted of the report of the Working Group on the Marshall Islands (A/HRC/16/12), together with the views of the Marshall Islands concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/12/Add.1).

34th meeting
17 March 2011

[Adopted without a vote.]

16/111
Outcome of the universal periodic review: Croatia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Croatia on 8 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Croatia which is constituted of the report of the Working Group on Croatia (A/HRC/16/13), together with the views of Croatia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/13/Add.1).

34th meeting
17 March 2011

[Adopted without a vote.]

16/112
Outcome of the universal periodic review: Jamaica

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Jamaica on 8 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Jamaica which is constituted of the report of the Working Group on Jamaica (A/HRC/16/14), together with the views of

Jamaica concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/14/Add.1).

34th meeting
17 March 2011

[Adopted without a vote.]

16/113
Outcome of the universal periodic review: Federated States of Micronesia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Federated States of Micronesia on 9 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Federated States of Micronesia which is constituted of the report of the Working Group on the Federated States of Micronesia (A/HRC/16/16), together with the views of the Federated States of Micronesia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/16/Add.1).

35th meeting
18 March 2011

[Adopted without a vote.]

16/114
Outcome of the universal periodic review: Mauritania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Mauritania on 10 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Mauritania which is constituted of the report of the Working Group on Mauritania (A/HRC/16/17), together with the views of Mauritania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to

questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/17/Add.1).

35th meeting
18 March 2011

[Adopted without a vote.]

16/115
Outcome of the universal periodic review: United States of America

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the United States of America on 5 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the United States of America which is constituted of the report of the Working Group on the United States of America (A/HRC/16/11), together with the views of the United States of America concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/2, chapter VI and A/HRC/16/11/Add.1).

36th meeting
18 March 2011

[Adopted without a vote.]

16/116
Panel on the human rights of victims of terrorism

At its 45th meeting, on 24 March 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council,*

Reaffirming the Universal Declaration on Human Rights, and in particular article 3 thereof, which states that everyone has the right to life, liberty and security of person,

Recalling previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on human rights and terrorism and on the promotion and protection of human rights while countering terrorism,

Recalling also all General Assembly resolutions on the United Nations Global Counter-Terrorism Strategy, including resolutions 46/51 of 9 December 1991, 60/288 of 8 September 2006, 62/272 of 15 September 2008 and 64/297 of 8 September 2010, and reaffirming the four categories of measures contained in the Strategy,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Reaffirming also that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism,

Reaffirming further that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Deploring the suffering caused by terrorism to the victims and their families, expressing its profound solidarity with them, and stressing the importance of providing them with assistance,

Recognizing the work of the Working Group on Supporting and Highlighting Victims of Terrorism of the Counter-Terrorism Implementation Task Force, including its workshop in Siracusa, Italy, held on 2 and 3 December 2010, on best practices on supporting victims of acts of terrorism, and taking note of other efforts made by the United Nations in this field, including the meetings of the Expert Group of the United Nations Office on Drugs and Crime, held on 26 and 27 May 2010, in Vienna, and on 26 and 27 January 2011, in Bogotá, on the criminal justice response to victims of terrorism,

Taking note of the work on victims of terrorism of the Special Rapporteur on Terrorism and Human Rights of the Subcommission for the Promotion and Protection of Human Rights,

Recognizing, therefore, the need to reflect on the question of human rights of victims of terrorist acts,

1. *Decides* to convene, within existing resources, at its seventeenth session, a panel discussion on the issue of the human rights of victims of terrorism, taking into account, inter alia, the recommendations of the Secretary-General's Symposium on Supporting Victims of Terrorism, held on 9 September 2008, in New York;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with the Special Rapporteur on the promotion and protection of human rights while countering terrorism and all concerned parties and stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary."

[Adopted without a vote.]

16/117
Right to development

At its 47th meeting, on 25 March 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming Hun an Rights Council resolution 15/25 of 1 October 2010, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development,

Reaffirming also the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and bearing in mind that 2011 marks the twenty-fifth anniversary of the Declaration,

1. *Decides* to hold a panel during the eighteenth session of the Human Rights Council to commemorate the twenty-fifth anniversary of the Declaration on the Right to Development, on the theme 'The way forward in the realization of the right to development: between policy and practice', with the participation of the United Nations High Commissioner for Human Rights;

2. *Also decides* to request the Office of the High Commissioner to organize the panel, within existing resources, and to invite relevant United Nations human rights mechanisms, specialized agencies, funds and programmes, as well as civil society and national human rights institutions, to the panel session;

3. *Further decides* to request the Office of the High Commissioner to prepare a summary of the panel discussions, to be submitted to the Working Group on the Right to Development at its twelfth session and to the Human Rights Council at its nineteenth session."

[Adopted by a recorded vote of 45 to none, with 1 abstention. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia

Abstaining:

United States of America]

16/118
Postponement of the renewal of the mandate of the independent expert on human rights and international solidarity

At its 48th meeting, on 25 March 2011, the Human Rights Council decided to postpone the renewal of the mandate of the independent expert on human rights and international solidarity to its seventeenth session, and for that reason to extend the mandate of the independent expert until June 2011.

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

C. President's statement

PRST/16/1
Reports of the Advisory Committee

At the 48th meeting, on 25 March 2011, the President of the Human Rights Council read out the following statement:

"*The Human Rights Council*,

1. *Takes note* of the reports of the Advisory Committee on its fifth and sixth sessions (A/HRC/16/60 and A/HRC/16/61);

2. *Notes* that, at the fifth session, four recommendations were made by the Advisory Committee relating to the following:

(a) A draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members;

(b) A study on discrimination in the context of the right to food;

(c) The promotion of the right of peoples to peace;

(d) The enhancement of international cooperation in the field of human rights;

3. *Also notes* that at the sixth session, five recommendations were made by the Advisory Committee relating to the following:

(a) Missing persons;

(b) A study on discrimination in the context of the right to food;

(c) The promotion of the right of peoples to peace;

(d) A preliminary study on ways and means to further advance the rights of people working in rural areas;

(e) The enhancement of international cooperation in the field of human rights;

4. *Further notes* that:

(a) Recommendation 5/3, on a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, has been addressed in the context of Human Rights Council resolution 15/10;

(b) Recommendations 5/1 and 6/2, on the study on discrimination in the context of the right to food, and recommendation 6/5, on the preliminary study on ways and means to further advance the rights of people working in rural areas, have been addressed in the context of Human Rights Council resolution 16/27;

(c) Recommendations 5/4 and 6/4, on the drafting group on enhancement of international cooperation in the field of human rights, have been addressed in the context of Human Rights Council resolution 16/22;

(d) Recommendations 5/2 and 6/3, on the drafting group on the promotion of the right of peoples to peace, will be addressed in the context of the work of the Human Rights Council at its seventeenth session;

(e) Recommendation 6/1, on missing persons, may be addressed in the context of the Human Rights Council at its future sessions.

It is my understanding that, after consulting with Member States, this procedure does not set any precedent for future reports of the Advisory Committee, which will be dealt with in accordance with Human Rights Council resolution 5/1."

III. Seventeenth session

A. Resolutions

17/1
Mandate of the Special Rapporteur on trafficking in persons, especially women and children

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 64/293 of 30 July 2010 and 65/190 of 21 December 2010, and Human Rights Council resolutions 8/12 of 18 June 2008, 11/3 of 17 June 2009 and 14/2 of 17 June 2010,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Recalling the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recalling also the United Nations Global Plan of Action to Combat Trafficking in Persons and Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011,

Affirming that trafficking in persons violates and impairs the enjoyment of human rights, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, disability, ethnicity, culture and religion, as well as national or social origin, or other status, and that these forms of discrimination may themselves fuel trafficking in persons,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection and access to remedies, and that not doing so

violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Taking note of the twentieth anniversary of the United Nations Voluntary Fund on Contemporary Forms of Slavery and the establishment of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,

Taking note with interest of the launch of the commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights,[52]

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on a code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on trafficking in persons, especially women and children;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years in order to, inter alia:

(a) Promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims of trafficking in persons;

(b) Promote the effective application of relevant international norms and standards and to contribute to their further improvement;

(c) Integrate a gender and age perspective throughout the work of his or her mandate through, inter alia, the identification of gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons;

(d) Identify and share best practices as well as challenges and obstacles in order to uphold and protect the human rights of victims of trafficking in persons, and to identify protection gaps in this regard;

(e) Examine the impact of anti-trafficking measures on the human rights of victims of trafficking in persons with a view to proposing adequate responses to challenges arising in this regard and to avoid re-victimization of victims of trafficking;

(f) Give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by the identification of concrete areas and means for international and regional cooperation and capacity-building to tackle the issue of trafficking in persons;

(g) Request, receive and exchange information on trafficking in persons from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental and non-governmental organizations and other relevant sources, as appropriate, and, in accordance with current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking;

(h) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, agencies and mechanisms, including the United Nations Office on Drugs and

[52] E/2002/68/Add.1.

Crime, the Inter-Agency Coordination Group against Trafficking in Persons, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, including its Working Group on Trafficking in Persons and the Working Group on the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, treaty bodies and regional human rights mechanisms, as well as national human rights institutions, civil society and the private sector;

(i) Report annually on the implementation of the present resolution to the Human Rights Council and the General Assembly, according to their respective programmes of work;

3. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

4. *Calls upon* all Governments to cooperate with the Special Rapporteur and to consider responding favourably to his or her requests to visit their countries, and to provide him or her with all necessary information relating to the mandate to enable him or her to fulfil the mandate effectively;

5. *Encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner[52] as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

6. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children, in accordance with its annual programme of work.

33rd meeting
16 June 2011

[Adopted without a vote.]

17/2
Mandate of the Special Rapporteur on the independence of judges and lawyers

The Human Rights Council,

Guided by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Basic Principles on the Independence of the Judiciary; the Basic Principles on the Role of Lawyers; the Guidelines on the Role of Prosecutors and the Bangalore Principles of Judicial Conduct,

Convinced that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling all previous resolutions and decisions of the Commission on Human Rights and the General Assembly on the independence of the judiciary and on the integrity of the judicial system,

Recalling also its previous resolutions on this subject, resolutions 8/6 of 18 June 2008, 12/3 of 1 October 2009, 13/19 of 26 March 2010 and 15/3 of 29 September 2010,

Acknowledging the importance of the Special Rapporteur's ability to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights in the fields of advisory services and technical cooperation in an effort to guarantee the independence of judges and lawyers,

Recognizing the importance of bar associations and professional associations of judges and non-governmental organizations in the defence of the principles of the independence of judges and lawyers,

Noting with concern the increasingly frequent attacks on the independence of judges, lawyers and court officials,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of her mandate;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To inquire into any substantial allegations transmitted to him or her and to report his or her conclusions and recommendations thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To identify ways and means to improve the judicial system, and make concrete recommendations thereon;

(d) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers and court officials;

(e) To apply a gender perspective in his or her work;

(f) To continue to cooperate closely, while avoiding duplication, with relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(g) To report regularly to the Human Rights Council, in accordance with its programme of work, and annually to the General Assembly;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil his or her mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance to the Special Rapporteur necessary for the effective fulfilment of his or her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

33rd meeting
16 June 2011

[Adopted without a vote.]

17/3
The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming Human Rights Council resolutions on the right to education, particularly resolutions 8/4 of 18 June 2008, 11/6 of 17 June 2009 and 15/4 of 29 September 2010, and recalling the resolutions adopted by the Commission on Human Rights on the subject,

Reaffirming also the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Bearing in mind General Assembly resolution 64/290 of 9 July 2010 on the right to education in emergency situations,

Bearing in mind also the adoption by the Human Rights Council of the United Nations Declaration on Human Rights Education and Training through its resolution 16/1 of 23 March 2011,

Deeply concerned that, according to the United Nations Educational, Scientific and Cultural Organization, although there has been progress in many areas, the world is not on track to achieve the Education for All targets set for 2015 and most of the goals will be missed by a wide margin,

Mindful of the role that the full realization of the right to education plays in helping to achieve the Millennium Development Goals, and noting in this regard the commitments relating to education contained in the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,[53]

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions 8/4, 11/6 and 15/4 with a view to ensuring the full realization of the right to education for all;

[53] General Assembly resolution 65/1 of 22 September 2010.

2. *Takes note with appreciation* of:

(a) The report of the Special Rapporteur on the right to education on the promotion of equality of opportunity in education;[54]

(b) The work of the United Nations treaty bodies in the promotion of the right to education;

(c) The work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(d) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and other relevant bodies towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All agenda;

3. *Urges* all relevant stakeholders to increase their efforts so that the goals of the Education for All agenda can be achieved by 2015 by, inter alia, tackling persistent economic and social inequalities, including on the basis of such factors as income, gender, location, ethnicity, language and disability, and notes the role that good governance can play in this regard;

4. *Urges* all States to give full effect to the right to education by, inter alia, promoting equality of opportunity in education in accordance with their human rights obligations, including by:

(a) Ensuring adequate legal protection of the right to education and its equal enjoyment;

(b) Addressing multiple forms of inequality and discrimination in education through comprehensive policies;

(c) Ensuring adequate resource allocation, including through the identification and implementation of innovative financing mechanisms;

(d) Supporting national mechanisms that promote the realization of the right to education, such as national human rights institutions;

(e) Increasing efforts to achieve the goals of the Education for All agenda and the commitments relating to education contained in the Millennium Development Goals and their review process, with a human rights-based approach;

(f) Promoting a coordinated approach when considering follow-up to the concluding observations adopted by the United Nations human rights treaty bodies, the recommendations formulated by the special procedures and recommendations accepted within the universal periodic review process;

(g) Integrating a gender perspective in all policies and programmes relating to education with a view to eliminate gender disparities at all levels of education;

5. *Reaffirms* the need for adequate financial resources so that everyone can realize their right to education and the importance in this regard of national resource mobilization and international cooperation;

[54] A/HRC/17/29 and Corr.1.

6. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years;

7. *Requests* the Special Rapporteur to take fully into account, in the discharge of his mandate, all provisions of Human Rights Council resolutions on the right to education;

8. *Requests* all States to continue to cooperate with the Special Rapporteur with a view to facilitating his tasks in the discharge of his mandate, and to respond favourably to his requests for information and visits;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

10. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of the right to education worldwide and to enhance their cooperation in this regard and, in this connection, encourages the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the right to education;

11. *Stresses* the importance of the contribution of non-governmental and civil society organizations to the realization of the right to education, including by cooperating with the Special Rapporteur;

12. *Decides* to remain seized of the matter.

33rd meeting
16 June 2011

[Adopted without a vote.]

17/4
Human rights and transnational corporations and other business enterprises

The Human Rights Council,

Recalling Human Rights Council resolution 8/7 of 18 June 2008 and Commission on Human Rights resolution 2005/69 of 20 April 2005 on the issue of human rights and transnational corporations and other business enterprises,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Recognizing that proper regulation, including through national legislation, of transnational corporations and other business enterprises and their responsible operation can contribute to the promotion, protection and fulfilment of and respect for human rights and

assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms,

Concerned that weak national legislation and implementation cannot effectively mitigate the negative impact of globalization on vulnerable economies, fully realize the benefits of globalization or derive maximally the benefits of activities of transnational corporations and other business enterprises, and that further efforts to bridge governance gaps at the national, regional and international levels are necessary,

Recognizing the importance of building the capacity of all actors to better manage challenges in the area of business and human rights,

1. *Welcomes* the work and contributions of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, and endorses the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, as annexed to the report of the Special Representative;[55]

2. *Also welcomes* the broad range of activities undertaken by the Special Representative in the fulfilment of his mandate, including in particular the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors in all regions and the catalytic role he has played in generating greater shared understanding of business and human rights challenges among all stakeholders;

3. *Commends* the Special Representative for developing and raising awareness about the Framework based on three overarching principles of the duty of the State to protect against human rights abuses by, or involving, transnational corporations and other business enterprises, the corporate responsibility to respect all human rights, and the need for access to effective remedies, including through appropriate judicial or non-judicial mechanisms;

4. *Recognizes* the role of the Guiding Principles for the implementation of the Framework, on which further progress can be made, as well as guidance that will contribute to enhancing standards and practices with regard to business and human rights, and thereby contribute to a socially sustainable globalization, without foreclosing any other long-term development, including further enhancement of standards;

5. *Emphasizes* the importance of multi-stakeholder dialogue and analysis to maintain and build on the results achieved to date and to inform further deliberations of the Human Rights Council on business and human rights;

6. *Decides* to establish a Working Group on the issue of human rights and transnational corporations and other business enterprises, consisting of five independent experts, of balanced geographical representation, for a period of three years, to be appointed by the Human Rights Council at its eighteenth session, and requests the Working Group:

(a) To promote the effective and comprehensive dissemination and implementation of the Guiding Principles;

(b) To identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon and, in that context, to seek and receive information from all relevant sources, including Governments, transnational corporations and other business enterprises, national human rights institutions, civil society and rights-holders;

[55] A/HRC/17/31.

(c) To provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as, upon request, to provide advice and recommendations regarding the development of domestic legislation and policies relating to business and human rights;

(d) To conduct country visits and to respond promptly to invitations from States;

(e) To continue to explore options and make recommendations at the national, regional and international levels for enhancing access to effective remedies available to those whose human rights are affected by corporate activities, including those in conflict areas;

(f) To integrate a gender perspective throughout the work of the mandate and to give special attention to persons living in vulnerable situations, in particular children;

(g) To work in close cooperation and coordination with other relevant special procedures of the Human Rights Council, relevant United Nations and other international bodies, the treaty bodies and regional human rights organizations;

(h) To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies, funds and programmes, in particular the Office of the United Nations High Commissioner for Human Rights, the Global Compact, the International Labour Organization, the World Bank and its International Finance Corporation, the United Nations Development Programme and the International Organization for Migration, as well as transnational corporations and other business enterprises, national human rights institutions, representatives of indigenous peoples, civil society organizations and other regional and subregional international organizations;

(i) To guide the work of the Forum on Business and Human Rights established pursuant to paragraph 12 below;

(j) To report annually to the Human Rights Council and the General Assembly;

7. *Encourages* all Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector to cooperate fully with the Working Group in the fulfilment of its mandate by, inter alia, responding favourably to visit requests by the Working Group;

8. *Invites* international and regional organizations to seek the views of the Working Group when formulating or developing relevant policies and instruments;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance necessary to the Working Group for the effective fulfilment of its mandate;

10. *Welcomes* the important role of national human rights institutions established in accordance with the Paris Principles in relation to business and human rights, and encourages national human rights institutions to develop further their capacity to fulfil that role effectively, including with the support of the Office of the High Commissioner and in addressing all relevant actors;

11. *Requests* the Secretary-General to prepare a report on how the United Nations system as a whole, including programmes and funds and specialized agencies, can contribute to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles, addressing in particular how capacity-building of all relevant actors to this end can best be addressed within the United Nations system, to be presented to the Human Rights Council at its twenty-first session;

12. *Decides* to establish a Forum on Business and Human Rights under the guidance of the Working Group to discuss trends and challenges in the implementation of the Guiding Principles and promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as identifying good practices;

13. *Also decides* that the Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant bodies, transnational corporations and other business enterprises, business associations, labour unions, academics and experts in the field of business and human rights, representatives of indigenous peoples and non-governmental organizations in consultative status with the Economic and Social Council; the Forum shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including affected individuals and groups, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Human Rights Council;

14. *Further decides* that the Forum shall meet annually for two working days;

15. *Requests* the President of the Human Rights Council to appoint for each session, on the basis of regional rotation, and in consultation with regional groups, a chairperson of the Forum, nominated by members and observers of the Council; the chairperson serving in his/her personal capacity shall be responsible for the preparation of a summary of the discussion of the Forum, to be made available to the Working Group and all other participants of the Forum;

16. *Invites* the Working Group to include in its report reflections on the proceedings of the Forum and recommendations for future thematic subjects for consideration by the Human Rights Council;

17. *Requests* the Secretary-General and the High Commissioner to provide all the necessary support to facilitate, in a transparent manner, the convening of the Forum and the participation of relevant stakeholders from all regions in its meetings, giving particular attention to ensuring participation of affected individuals and communities;

18. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Human Rights Council.

33rd meeting
16 June 2011

[Adopted without a vote.]

17/5
Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Mindful of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolution 8/3 of 18 June 2008 and Assembly resolutions 61/173 of 19 December 2006 and 65/208 of 21 December 2010,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions and his proposed entry points, strategies and recommendations, and takes note of the recommendations of the mandate holder made in previous years, and invites States to give them due consideration;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of his or her mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out his or her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(c) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(d) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(e) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(f) To apply a gender perspective in his or her work;

8. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

33rd meeting
16 June 2011

[Adopted without a vote.]

17/6
Mandate of the independent expert on human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also the importance, in view of the promotion and protection of international solidarity, of the declarations and programmes of action of international conferences, such as the World Conference on Human Rights, held in Vienna in 1993, the International Conference on Financing for Development, held in Monterrey, Mexico, in 2002, the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, the World Summit on Sustainable Development, held in Johannesburg, South Africa, in 2002, and the World Conference on Disaster Reduction, held in Kobe, Japan, in 2005,

Reaffirming that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the

international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum effort possible to close this gap,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

1. *Decides* to extend the mandate of the independent expert on human rights and international solidarity for a period of three years:

(a) To promote the realization of the right of peoples and individuals to international solidarity through, inter alia, the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right and the adoption of measures at the regional and international levels, to promote and consolidate international assistance to developing countries in their endeavours in development and the promotion of conditions that make the full realization of all human rights possible;

(b) To seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his or her mandate, taking into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields;

(c) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity;

(d) To make recommendations on possible steps with a view to attaining progressively the full realization of the right of peoples and individuals to international solidarity, and suggestions to address the increasing challenges of international cooperation;

(e) To work in close cooperation with all States and intergovernmental and non-governmental organizations, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, to mainstream fully the effective realization of the right of peoples and individuals to international solidarity in the activities of the United Nations;

(f) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right of peoples and individuals to international solidarity;

2. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert in his or her mandate, to supply all necessary information requested by him or her and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, and to enable him or her to fulfil his or her mandate effectively;

3. *Requests* the United Nations High Commissioner for Human Rights to provide all human and financial resources necessary for the effective fulfilment of the mandate of the independent expert;

4. *Requests* the independent expert to continue work on the preparation of a draft declaration on the right of peoples and individuals to international solidarity and to submit a report on the implementation of the present resolution to the Human Rights Council, in accordance with its annual programme of work;

5. *Decides* to continue its consideration of this matter under the same agenda item.

33rd meeting
16 June 2011

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

17/7
The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including Commission resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, Human Rights Council resolutions 7/4 of 27 March 2008, 11/5 of 17 June 2009 and 14/4 of 17 June 2010, and Council decision 12/119 of 2 October 2009,

Reaffirming also Human Rights Council resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries through various national and international measures designed to make their debt sustainable in the long term,

Noting with concern that the total external debt of low- and middle-income countries had risen from 1,860 billion United States dollars in 1995 to 3,545 billion in 2009, and that, by 2007, the total debt-service payments of developing countries had risen to 523 billion dollars, from 220 billion dollars in 1995,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Takes note* of the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;[56]

2. *Recalls* the proposed elements for a conceptual framework for understanding the relationship between foreign debt and human rights, and encourages the independent expert to continue to develop them with a view to addressing the debt crisis in a just, equitable and sustainable manner;

3. *Takes note* of the areas of focus identified by the independent expert for the period 2009–2010, in particular the development of the draft general guidelines on foreign debt and human rights and the issue of illegitimate debt and, in that regard, requests the Office of the United Nations High Commissioner for Human Rights to continue to assist the independent expert in the organization and holding of additional consultations with experts and Governments on these issues, including through the allocation of sufficient budgetary resources;

4. *Also takes note* of the three regional multi-stakeholder consultations on the draft general guidelines on foreign debt and human rights, held in Santiago de Chile, on 18 June 2010, Addis Ababa, on 4 and 5 November 2010, and Doha, on 31 January and 1 February 2011, to obtain views on the form and content of the guidelines with a view to improving them, and encourages the widest possible participation of States and stakeholders from the public sector, the private sector, civil society and academia;

5. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility

[56] A/HRC/17/37.

to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

6. *Recognizes* that structural-adjustment reform programmes limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

7. *Reaffirms* the fact that responses to the global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

8. *Expresses its concern* that the level of implementation and the reduction of overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden;

9. *Reiterates its conviction* that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned Initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

10. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of low- and middle-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in those countries, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

11. *Affirms* that, from a human rights perspective, the settlement of excessive vulture funds has a direct negative effect on the capacity of Governments to fulfil their human rights obligations, especially with regard to economic, social and cultural rights;

12. *Also affirms* that the activities of vulture funds highlight some of the problems in the global financial system and are indicative of the unjust nature of the current system, and calls upon States to take measures to combat those vulture funds;

13. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals for development and poverty reduction will not be attained;

14. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

15. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for heavily

indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

16. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of the major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

17. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

18. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

19. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

20. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

21. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

22. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or Poverty Reduction Strategy Papers;

23. *Reaffirms the fact* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

24. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

25. *Reiterates its view* that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

26. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

27. *Requests* the independent expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

28. *Also requests* the independent expert to continue to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines and his proposal of possible elements for consideration, and urges them to respond to his requests;

29. *Encourages* the independent expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work towards the elaboration of the draft general guidelines;

30. *Requests* the independent expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

31. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular all the staff and resources required to carry out his functions, including the organization of consultations with experts and Governments on the draft general guidelines on foreign debt and human rights;

32. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

33. *Requests* the independent expert to submit an analytical report on the implementation of the present resolution and a revised draft of the guidelines to the Human Rights Council in 2012 in accordance with its annual programme of work, and to submit a progress report to the General Assembly at its sixty-sixth session;

34. *Decides* to continue the consideration of this matter at its twentieth session under the same agenda item.

33rd meeting
16 June 2011

[Adopted by a recorded vote of 30 to 13, with 3 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Chile, Mexico, Norway]

17/8
Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism

[See chapter I.]

17/9
National institutions for the promotion and protection of human rights

The Human Rights Council,

Recalling relevant resolutions of the General Assembly, the most recent of which is resolution 64/161 of 18 December 2009, and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the international recognition of the importance of establishing and strengthening independent, pluralistic national institutions for the promotion and protection of human rights in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights ("the Paris Principles"),[57]

Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening participation and the rule of law, and in developing and enhancing public awareness of those rights and fundamental freedoms,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and

[57] General Assembly resolution 48/134, annex.

constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations in disseminating information on human rights and in education in human rights,

Recognizing the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and those national institutions in the promotion and protection of human rights,

Taking note of the most recent reports of the Secretary-General submitted to the Human Rights Council on national institutions for the promotion and protection of human rights[58] and on the process currently utilized by the International Coordinating Committee to accredit national institutions in compliance with the Paris Principles,[59]

Welcoming the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

1. *Reaffirms* the importance of the establishment and strengthening of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the Paris Principles;

2. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

3. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

4. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

5. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

6. *Welcomes* the growing number of Member States establishing or considering the establishment of national institutions for the promotion and protection of human rights in accordance with the Paris Principles;

7. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and

[58] A/HRC/16/76.
[59] A/HRC/16/77.

combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

8. *Recognizes* the important role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005;

9. *Stresses the importance* of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of the human rights, and notes with satisfaction the efforts of those Member States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

10. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work with national institutions, including through technical cooperation, and encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, including supporting the work of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its regional coordinating networks, and invites Governments to contribute additional voluntary funds to that end;

11. *Welcomes* the strengthening of international cooperation among national institutions, including through the International Coordinating Committee, and encourages the Secretary-General to continue to provide the necessary assistance for holding international, regional and cross-regional meetings and conferences of national institutions, including meetings of the International Coordinating Committee, in cooperation with the Office of the High Commissioner;

12. *Also welcomes* the important role of the International Coordinating Committee, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to strengthen national human rights institutions in accordance with the Paris Principles;

13. *Encourages* national institutions, including Ombudsman institutions, to seek accreditation status through the International Coordinating Committee;

14. *Encourages* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles;

15. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

16. *Requests* the Secretary-General to report to the Human Rights Council at its twentieth session on the implementation of the present resolution;

17. *Also requests* the Secretary-General to report to the Human Rights Council at its twentieth session on the activities of the International Coordinating Committee in accrediting national institutions in compliance with the Paris Principles.

33rd meeting
16 June 2011

[Adopted without a vote.]

17/10
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and the other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Taking into consideration the relevant provisions of international humanitarian law and human rights law,

Emphasizing the importance of the safety and well-being of all civilians, including humanitarian personnel,

Recalling Human Rights Council resolution 14/1 of 2 June 2010, in which the Council decided to dispatch an independent international fact-finding mission to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance,

Recalling also Human Rights Council resolutions 15/1 of 29 September 2010 and 16/20 of 25 March 2011, in which the Council endorsed the conclusions contained in the report of the independent international fact-finding mission,[60] called upon all concerned parties to ensure the immediate implementation of the conclusions contained in the report of the fact-finding mission and requested the United Nations High Commissioner for Human Rights to report on the status of implementation of those conclusions,

Welcoming the establishment by the Secretary-General of a panel of inquiry and recalling that its work has not been completed,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights;[61]

2. *Regrets* the non-cooperation of the occupying Power, Israel, with the independent international fact-finding mission on the Gaza flotilla incident;

3. *Calls upon* concerned parties to ensure the immediate implementation of the conclusions contained in the report of the fact-finding mission;

[60] A/HRC/15/21.
[61] A/HRC/17/47.

4. *Notes* that the panel of inquiry established by the Secretary-General is expected to complete its work soon;

5. *Requests* the High Commissioner to bring to the attention of the Secretary-General the conclusions contained in the report of the fact-finding mission,[60] as well as the follow-up reports;

6. *Also requests* the High Commissioner to submit a concluding report on the status of the implementation of paragraph 3 above to the Human Rights Council at its twentieth session;

7. *Decides* to follow up the implementation of the present resolution at its twentieth session.

34th meeting
17 June 2011

[Adopted by a recorded vote of 36 to 1, with 8 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, France, Ghana, Guatemala, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay

Against:

United States of America

Abstaining:

Cameroon, Hungary, Poland, Republic of Korea, Republic of Moldova, Slovakia, Ukraine, Zambia]

17/11
Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection

The Human Rights Council,

Reaffirming and building upon Human Rights Council resolution 14/12 of 18 June 2010,

Reaffirming its resolutions and those of the Commission on Human Rights on the elimination of all forms of violence against women, and recalling the relevant resolutions of the Commission on the Status of Women, the General Assembly and the Security Council, in particular Security Council resolutions 1325 (2000) of 31 October 2000, 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009) and 1960 (2010) of 16 December 2010,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Cairo Programme of Action and the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",

Welcoming the steps taken by the United Nations system to strengthen the physical and legal protection of women and girls facing violence, notably by advancing the implementation of the women, peace and security agenda, including through work on global indicators on the implementation of Security Council resolution 1325 (2000) and the ongoing efforts to develop the monitoring, analysis and reporting mechanism on conflict-related sexual violence by consolidating and strengthening United Nations efforts to promote the empowerment of women and the realization of their human rights through the creation of the United Nations Entity for Gender Equality and the Empowerment of Women and through the Secretary-General's campaign "UNiTE to End Violence against Women",

Recognizing the adoption of regional instruments relating to the human rights of women and specifically on violence against women, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Southern African Development Community Protocol on Gender and Development and the Declaration on the Elimination of Violence against Women in the ASEAN Region, which strengthen the implementation of international commitments relating to the human rights of women,

Recognizing also that violence against women and girls persists in every country in the world as a pervasive violation of the enjoyment of human rights and a major impediment to achieving gender equality, development, peace and security and internationally agreed development goals, in particular the Millennium Development Goals,

Underscoring that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls,

Underscoring also that the duty of States to exercise due diligence to provide protection to women and girls who have been subjected to or are at risk of violence includes using all appropriate means of a legal, political, administrative and social nature to provide access to justice, health care and support services that respond to their immediate needs protect against further harm and continue to address the ongoing consequences of violence for women and girls, taking into consideration the impact of violence on their families and communities,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Recognizing the importance of the full and equal participation of women and the involvement of civil society groups, in particular women's organizations and networks, in the development, implementation, monitoring and evaluation of policies, measures and programmes relating to the protection of women facing violence as well as the protection and promotion of the human rights of women,

Concerned that multiple, intersecting and aggravated forms of discrimination against women and girls increase their vulnerability and undermine their ability to protect themselves from violence,

1. *Strongly condemns* all acts of violence against women and girls, where these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the

Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and the duty to provide victims with access to just and effective remedies and specialized assistance, including medical and psychological assistance, as well as effective counselling;

2. *Stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls, and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and provide protection and support to women and girls who have been subjected to violence, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

3. *Recognizes* that effective protection requires comprehensive, integrated, coordinated multisectoral approaches involving multiple stakeholders, including women's organizations, religious and community leaders, youth, men and boys, victim service workers and advocates, law enforcement personnel, the judiciary, corrections officials and forensic scientists, as well as legal, health and education professionals, and that such responses should avoid re-victimization, be empowering to the victim, be evidence-based and culturally sensitive, and integrate the specific and differentiated needs of women and girls who face multiple, intersecting and aggravated forms of discrimination;

4. *Emphasizes* that women should be empowered to protect themselves against violence and, in this regard, stresses the need for legal and policy measures that promote the full enjoyment by women and girls of all human rights by eliminating discrimination against women, promoting gender equality, empowering women and promoting their full autonomy, including with regard to land, property, marriage and divorce, child custody and inheritance, and to promote equal access to literacy, education, skills training and employment opportunities, political participation and representation, credit, agricultural extension, adequate housing, just and favourable conditions of work, and business and leadership skills training;

5. *Underscores* that States have the primary responsibility for protecting women and girls facing violence and, in this regard, urges States:

(a) To enact and, where necessary, reinforce or amend domestic legislation and other measures to enhance the protection of victims, including, where appropriate, by providing for the use of testimonial aids in criminal proceedings to avoid re-victimization and access to legal representation, and to ensure that such legislation or measures conform with relevant international human rights instruments and international humanitarian law;

(b) To take measures to investigate, prosecute, punish and redress, including by ensuring access to adequate, effective, prompt and appropriate remedies, the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody, or in situations of armed conflict;

(c) To implement their treaty obligations addressing the human rights of all women and girls and to withdraw reservations to treaties which are incompatible with the object and purpose of the specific treaties, and further encourages States to consider ratifying or acceding to all human rights treaties, including, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto;

(d) To take all appropriate measures to amend or repeal existing laws or to modify legal or customary practices that sustain the persistence and tolerance of violence against women and girls;

(e) To develop and, where necessary, strengthen policing systems and judicial procedures to provide adequate protection for women who have been subjected to violence, including by ensuring conducive environments for women and girls to report acts of violence against them, timely and thorough investigation of all allegations of violence, effective and victim-sensitive collection and processing of evidence, especially forensic evidence, effective protection of victims and their families from acts of retaliation, respect for the privacy, dignity and autonomy of all victims, as well as necessary victim protection measures, such as restraining or expulsion orders and adequate witness protection;

(f) To place a high priority on removing gender bias from the administration of justice and enhancing the capacity of law enforcement officials to deal appropriately with violence against women, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(g) To encourage the removal of all barriers to women's access to justice and ensure access to effective legal assistance for all female victims of violence so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law, and also ensure that victims have access to just and effective remedies for the harm that they have suffered, including through the adoption of national legislation, where necessary;

(h) To adopt measures to enhance the awareness of women, and in particular women at known risk of gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families who have experienced violence, and ensuring that timely and appropriate information is available to all women who have been subjected to violence, at all stages of the justice system;

(i) To promote an increase in the number of women lawyers, judges, prosecutors and law enforcement officials where women are underrepresented in these professions, and to take steps to address any barriers that may be preventing women from entering these professions, including through the use of appropriate incentives, as important steps towards enhancing women's awareness of their rights and the ability of the judiciary and law enforcement officials to be more sensitive to the specific and differentiated needs of women and girls who face targeted, compounded and structural discrimination;

(j) To promote the establishment or support of safe and integrated centres through which shelter, legal, health-care, psychological, counselling and other appropriate, timely, accessible and confidential support services are provided to all women and girls who have been subjected to violence and, where such centres are not feasible, to promote collaboration and coordination among agencies in order to make remedies more accessible, and to facilitate the physical, psychological and social recovery of women who have been subjected to violence;

(k) To ensure that mechanisms, services and procedures set up to protect women and girls facing violence are designed in a manner that addresses the targeted, compounded and structural discrimination that combines to increase the vulnerability of women and girls, including those belonging to minority groups, indigenous women, refugee and internally displaced women, stateless women, migrant women, women living in rural or remote communities, women living in slums and informal settlements, women living in conditions of poverty, women in institutions or in detention, women with disabilities, elderly women, widows and women in all situations of armed conflict, women who face trafficking, sexual or

labour exploitation, and women who are otherwise discriminated against, including on the basis of their HIV/AIDS status;

(l) To establish a multidisciplinary, coordinated response to sexual assault that prevents the re-victimization of women and includes specially trained police, prosecutors, judges, forensic examiners, victim support services and, where appropriate, testimonial aids and other accommodations, to contribute to the well-being of victims, ensure that they are able to participate fully, and increase the likelihood of the successful apprehension, prosecution and conviction of perpetrators;

(m) To provide, fund and encourage counselling and rehabilitation programmes for the perpetrators of violence and to promote research to further efforts concerning such counselling and rehabilitation so as to prevent the recurrence of such violence;

(n) To support initiatives undertaken by and engage in strategic partnerships with women's groups, non-governmental organizations, the private sector, media, faith and community groups and other relevant civil society actors and international organizations aimed at protecting women and girls who have been subjected to violence, promoting gender equality and the full enjoyment of all human rights by women and girls;

(o) To take measures to protect human rights defenders who provide support to women who have been subjected to violence;

(p) To monitor the effectiveness of laws, policies, programmes and measures aimed at protecting women and girls facing any form of violence, including monitoring actions taken by State agencies in relation to the investigation and prosecution of cases of violence and to convictions and sentencing;

(q) To establish or strengthen plans of action to eliminate violence against women and girls that clearly delineate government accountabilities for protection and are supported by the necessary human, financial and technical resources, including, where appropriate, time-bound measurable targets, to accelerate the implementation of existing plans of action and to regularly monitor and update them, taking into account inputs by civil society, in particular women's organizations, networks and other stakeholders;

6. *Urges* States and the United Nations system to give attention to and encourage greater international cooperation in systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and disability, and other relevant information on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for protecting women and girls who have been subjected to violence and, in this context, urges States and the United Nations system to regularly provide information for inclusion in the Secretary-General's coordinated database on violence against women;

7. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her recent report on multiple and intersecting forms of discrimination in the context of violence against women;[62]

8. *Also welcomes* the identification of violence against women as one of the priorities of the United Nations Entity for Gender Equality and the Empowerment of Women, and looks forward to its contribution to the elimination of violence against women and girls;

[62] A/HRC/17/26.

9. *Invites* the United Nations Entity for Gender Equality and the Empowerment of Women to integrate a holistic approach into its efforts to eliminate violence against women, recognizing the importance of cooperation and coordination with all relevant United Nations entities, including, inter alia, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Working Group on the issue of discrimination against women in law and in practice, and the United Nations High Commissioner for Human Rights, and to ground its strategy and work in the human rights obligations and responsibilities of States;

10. *Decides* to include in the annual full-day discussion on women's human rights, at its twentieth session, in consultation with the Special Rapporteur on violence against women, its causes and consequences, and other relevant special procedures mandate holders, the theme of remedies, with a focus on transformative and culturally sensitive reparations for women who have been subjected to violence, and requests the Office of the High Commissioner to prepare and disseminate a summary report of the proceedings;

11. *Invites* the Office of the High Commissioner to prepare a thematic analytical study on the issue of violence against women and girls and disability, in consultation with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on disability of the Commission for Social Development of the Economic and Social Council, other relevant special procedure mandate holders, States, United Nations entities, regional organizations, civil society organizations and other relevant stakeholders, and to report to the Human Rights Council at its twentieth session;

12. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

34th meeting
17 June 2011

[Adopted without a vote.]

17/12
Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, religion or national origin,

Recalling all international norms and standards relevant to the human rights of migrants,

Recalling also Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2005, General Assembly and Human Rights Council resolutions on the human rights of migrants, and Council resolution 8/10 of 18 June 2008 entitled "Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants",

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(a) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

(b) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(c) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(d) To promote the effective application of relevant international norms and standards on the issue;

(e) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(f) To take into account a gender perspective when requesting and analysing information, and to give special attention to the occurrence of multiple discrimination and violence against migrant women;

(g) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(h) To report regularly to the Human Rights Council, according to its annual programme of work, and to the General Assembly, at the request of the Council or the Assembly, bearing in mind the utility of maximizing the benefits of the reporting process;

2. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out his or her mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all aspects of his or her mandate;

5. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into account the bilateral, regional and international initiatives that address issues relating to the effective protection of human rights of migrants, including the return and reintegration of migrants who are undocumented or in an irregular situation;

6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his or her mandate.

34th meeting
17 June 2011

[Adopted without a vote.]

17/13
Extreme poverty and human rights

The Human Rights Council,

Recalling that, in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights, and reaffirming in this regard the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly, including resolution 65/214 of 21 December 2010, and the Commission on Human Rights, as well as relevant Human Rights Council resolutions, including Council resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008, 8/11 of 18 June 2008, 12/19 of 2 October 2009 and 15/19 of 30 September 2010,

Recalling further that, in its resolution 62/205 of 19 December 2007, the General Assembly proclaimed the Second United Nations Decade for the Eradication of Poverty (2008–2017) in order to support, in an efficient and coordinated manner, the internationally agreed development goals relating to poverty eradication, including the Millennium Development Goals,

Reaffirming, in this regard, the commitments made at relevant United Nations conferences and summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, at the Millennium Summit, at which Heads of State and Government committed themselves to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those who suffer from hunger, and at the 2005 World Summit, and welcoming the conclusions of the

summit on the Millennium Development Goals held in New York from 20 to 22 September 2010,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Reaffirming that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and their annexes thereto,

1. *Welcomes* the work of the independent expert on the question of extreme poverty and human rights, including the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports as well as the undertaking of country missions;

2. *Decides* to extend the mandate of the current mandate holder as a special rapporteur on extreme poverty and human rights for a period of three years in conformity with the terms set forth in Human Rights Council resolution 8/11;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to give high priority to extreme poverty and human rights and invites it to pursue further work in this area, integrating and cooperating fully with the Special Rapporteur in the various activities, notably the Social Forum and the consultation on the draft guiding principles on extreme poverty and human rights, and to provide the Special Rapporteur with all necessary human and financial resources for the effective fulfilment of his or her mandate;

4. *Requests* the Special Rapporteur to submit an annual report on the implementation of the present resolution to the General Assembly and to the Human Rights Council, in accordance with their programme of work;

5. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his or her task, to supply all necessary information requested by him or her and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him or her to fulfil his or her mandate effectively;

6. *Invites* the Special Rapporteur and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels, as well as people living in conditions of extreme poverty, to participate in the two-day consultation on the progress report on the draft guiding principles on extreme poverty and human rights[63] that the Office of the High Commissioner will organize, within existing resources, in Geneva on 22 and 23 June 2011;

7. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his or her mandate;

[63] A/HRC/15/41.

8. *Decides* to continue its consideration of the issue of human rights and extreme poverty in accordance with its programme of work.

34th meeting
17 June 2011

[Adopted without a vote.]

17/14
The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines

The Human Rights Council,

Reaffirming that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Recalling Human Rights Council resolution 15/22 of 30 September 2010 and all resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights, and Council resolution 12/24 of 2 October 2009 on access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Emphasizing the importance of the promotion and protection of all human rights for all and their interrelationship with global public health, development, poverty eradication, education, gender equality and the empowerment of women,

Recalling the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Recalling also the ministerial declaration on implementing the internationally agreed goals and commitments with regard to global public health of the 2009 high-level segment of the Economic and Social Council,

Concerned that, for millions of people throughout the world, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines that are affordable, safe, effective and of good quality, in particular essential medicines, vaccines and other medical products, and to health-care facilities and services, still remains a distant goal and that, in many cases, especially for those living in poverty, this goal remains remote,

Recalling that access to medicine is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that it is the responsibility of States to

ensure access for all, without discrimination, to medicines, in particular essential medicines, that are affordable, safe, effective and of good quality,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Recalling that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and further recognizes, in this connection, the right of members of the Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose,

Concerned about the interrelatedness between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Concerned also that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, and aware that there is a need to respond to cardiovascular diseases, cancers, diabetes and chronic respiratory diseases, which represent a leading threat to human health and development,

1. *Takes note* of the annual report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[64]

2. *Recognizes* the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health as one of the central aspects of the process of development, as reflected in health-related internationally agreed development goals, in particular the Millennium Development Goals;

3. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

4. *Encourages* States:

(a) To integrate the right of everyone to the enjoyment of the highest attainable standard of physical and mental health into development strategies, particularly with respect to the internationally agreed development goals, including the Millennium Development Goals, recognizing, in that regard, the critical role of strengthening health systems;

(b) To ensure that information on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is widely promoted, particularly in development-related areas, including through transparency, accountability and the participation of individuals and communities;

[64] A/HRC/17/25.

5. *Encourages* relevant United Nations programmes and agencies, in particular the World Health Organization, within their mandates, to pay particular attention to the impact of development programmes on the enjoyment of human rights and fundamental freedoms, in particular the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through the collection and sharing of good practices and the strengthening of national capacities;

6. *Takes note* of the report of the Special Rapporteur on the expert consultation on access to medicines as a fundamental component of the right of everyone to the highest attainable standard of physical and mental health, held on 11 October 2010;[65]

7. *Encourages* States:

(a) To implement or, where they do not exist, to establish national health frameworks that ensure access for all, without discrimination, to medicines that are affordable, safe, effective and of good quality;

(b) To raise awareness about the responsible use of medicines, including through the wide dissemination of information in that regard, taking into account the potential risks to health;

(c) To ensure that investment, industrial or other policies promote development and access to medicines, in particular their affordability;

(d) To promote the transparent and informed participation of relevant stakeholders, as appropriate, in formulating national medicines policies and programmes;

(e) To strengthen or, where they do not exist, to establish national monitoring and accountability mechanisms for policies relating to access to medicines;

(f) To ensure that procurement practices and procedures for medicines are transparent, fair and competitive;

(g) To promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines as well as the concerns about its effects on prices;

(h) To foster the development of technology and the voluntary transfer of technology to developing countries on mutually agreed terms aligned with national priorities;

(i) To apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of affordable, safe, effective and good-quality medicines, and to provide for safeguards against the abuse of such measures and procedures;

(j) To strengthen or, where they do not exist, to establish national health regulatory systems that ensure the quality, safety and efficacy of medicines;

(k) To promote the improvement of health infrastructures necessary for access to affordable, safe, effective and good-quality medicines, such as storage and distribution systems;

[65] A/HRC/17/43.

8. *Recognizes* the innovative funding mechanisms that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the GAVI Alliance and the International Drug Purchase Facility, UNITAID, and calls upon all States, United Nations programmes and agencies, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including pharmaceutical companies, to further collaborate to enable equitable access to good-quality, safe and efficacious medicines that are affordable to all, including those living in poverty, children and other vulnerable groups;

9. *Urges* all States, United Nations agencies and programmes and relevant intergovernmental organizations, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, to promote the innovative development, the availability and the affordability of new drugs for diseases disproportionately affecting developing countries;

10. *Emphasizes* the central role of prevention, particularly through the promotion of healthy lifestyles and through the strengthening of health systems, as part of a comprehensive approach to communicable and non-communicable diseases, and urges all States, United Nations agencies and programmes and relevant intergovernmental organizations, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, including the private sector, to promote innovative research and development, the availability and affordability of safe, effective and good-quality medicines for non-communicable diseases, and to address the challenges arising from the growing burden of such diseases;

11. *Requests* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to prepare, in consultation with States Members of the United Nations, United Nations agencies and programmes, international and non-governmental organizations, and relevant stakeholders, a study on existing challenges with regard to access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, ways to overcome them and good practices, to be presented to the Human Rights Council at its twenty-third session.

34th meeting
17 June 2011

[Adopted without a vote.]

17/15
Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of December 2009 and 64/174 of 18 December 2009, Council resolution 10/23 of 26 March 2009, by which it established, for a period of three years, a special procedure entitled "independent expert in the field of cultural rights", and Council resolution 14/9 of 18 June 2010,

Taking note of the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 4 November 1966 and 2 November 2001 respectively,

Taking note also of general comment No. 21 on the right of everyone to take part in cultural life, adopted by the Committee on Economic, Social and Cultural Rights on 13 November 2009,

Noting the increasing number of parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005, and which entered into force on 18 March 2007,

Recalling the holding of the seminar on the theme "Implementing cultural rights: nature, issues at stake and challenges" in Geneva on 1 and 2 February 2010,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country, the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the State, regardless of its political, economic and cultural system, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights and that these rights should be guaranteed for all without discrimination;

6. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and

understanding of cultural heritage and cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the independent expert in the field of cultural rights, in which she focused on the right of access to and enjoyment of cultural heritage;[66]

10. *Also takes note* of the work conducted by the independent expert, including the questionnaire on access to cultural heritage, as well as the holding of an experts' meeting on the right of access to and enjoyment of cultural heritage, on 8 and 9 February 2011, and a public consultation in Geneva on 10 February 2011;

11. *Reiterates its call upon* all Governments to cooperate with and assist the independent expert in the discharge of her mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

12. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the independent expert;

13. *Requests* the independent expert to present her next report to the Human Rights Council at its twentieth session, and decides to consider the report under the same agenda item in accordance with its programme of work.

34th meeting
17 June 2011

[Adopted without a vote.]

17/16
Promotion of the right of peoples to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Recalling also General Assembly resolution 39/11 of 12 November 1984 entitled "Declaration of the Right of Peoples to Peace" and the United Nations Millennium Declaration,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

[66] A/HRC/17/38.

Recalling the Declaration and Programme of Action on a Culture of Peace, adopted by the General Assembly in its resolution 53/243 of 13 September 1999, as well as Assembly resolution 53/25 of 10 November 1998, in which the Assembly proclaimed the period 2001–2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and to promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the Organization and the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems and the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace, security, human rights and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to creating conditions in which their people can live in true and lasting peace, free from any threat to or attack against their security,

Reaffirming the obligation of all States to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also its commitment to peace, security and justice, respect for human rights and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in the pursuit of political aims, and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world,

Reaffirming the importance of ensuring respect for the purposes and principles of the Charter and international law, including sovereignty, territorial integrity and the political independence of States,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Recognizing that peace and security, development and human rights are mutually interlinked and reinforcing,

Recalling the Declaration on the Right to Development, which states that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realization of these rights,

Underlining the fact that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of the equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to the creation of an international environment of peace and stability,

Welcoming the important work being carried out by civil society organizations for the promotion of the right of peoples to peace and the codification of that right,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;

2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

3. *Stresses* the importance of peace for the promotion and protection of all human rights for all;

4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed world and the developing world pose a major threat to global prosperity, peace, human rights, security and stability;

5. *Further stresses* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being;

6. *Emphasizes* that ensuring the exercise of the right of peoples to peace and its promotion demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

7. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

8. *Urges* all States to respect and to put into practice the principles and purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems or of their size, geographical location or level of economic development;

9. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible as an important contribution to the promotion and protection of all human rights of everyone and all peoples;

10. *Underlines the vital importance* of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, United Nations specialized agencies and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Calls upon* States and relevant United Nations bodies to promote the effective implementation of the Declaration and Programme of Action on a Culture of Peace;

12. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

13. *Recalls* the holding of the workshop on the right of peoples to peace in Geneva on 15 and 16 December 2009, with the participation of experts from all regions of the world;

14. *Takes note* of the progress report of the Human Rights Council Advisory Committee on the right of peoples to peace,[67] which includes more than 40 possible standards for inclusion in the draft declaration on the right of peoples to peace;

15. *Supports* the need to further promote the realization of the right of peoples to peace and, in that regard, requests the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to present a draft declaration on the right of peoples to peace and to report on progress thereon to the Council at its twentieth session;

16. *Requests* the Office of the United Nations High Commissioner for Human Rights to retransmit the questionnaire prepared by the Advisory Committee in the context of its mandate on the issue of the right of peoples to peace, seeking the views and comments of Member States, civil society, academia and all relevant stakeholders;

17. *Decides* to continue to consider the issue in 2012 under the same agenda item.

34th meeting
17 June 2011

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

[67] A/HRC/17/39.

17/17
Situation of human rights in the Libyan Arab Jamahiriya

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, relevant international human rights instruments and relevant international law,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Reaffirming Human Rights Council resolution S-15/1 of 25 February 2011, and recalling General Assembly resolution 65/265 of 1 March 2011,

Taking note of the continued work of the Special Envoy of the Secretary-General for the Libyan Arab Jamahiriya, the African Union, the League of Arab States and the European Union,

Reaffirming that all States have an obligation to protect the rights to life, liberty and security of person,

Expressing deep concern at the killing of thousands of civilians and the deterioration of the humanitarian situation,

1. *Unequivocally condemns* the continuing deterioration of the human rights situation in Libya since February 2011, including ongoing gross and systematic human rights violations, in particular indiscriminate armed attacks against civilians, extrajudicial killings, enforced disappearances, arbitrary detention, torture and sexual violence against women and children, some of which may also amount to crimes against humanity;

2. *Expresses deep concern* at the ongoing arbitrary detention and killing of civilians, including human rights defenders, migrants and journalists, including foreign journalists;

3. *Urgently reiterates its call* on the Libyan authorities made at the special session of the Human Rights Council on 25 February 2011 to immediately cease all violations of human rights, to meet its responsibility to protect its population, to release all those arbitrarily detained and to ensure unimpeded humanitarian access without discrimination;

4. *Urges* all parties concerned to respect applicable international law, in particular international human rights law and international humanitarian law;

5. *Urges* the Libyan authorities to take immediate steps to ensure the safety of foreign nationals in Libya, including that of migrant workers and United Nations, international and diplomatic staff, as well as the protection of their property;

6. *Welcomes* the work of the commission of inquiry and its recent visit, and urges all parties to ensure the implementation of the recommendations contained in its report;[68]

7. *Urges* the Libyan authorities to respect the popular will, aspirations and demands of its people and, in this context, reiterates its call for an open, inclusive and meaningful national dialogue aimed at systemic changes responding to the will of all Libyan people and at the promotion and protection of their human rights, including the creation of credible and accountable mechanisms for the Libyan people;

[68] A/HRC/17/44.

8. *Calls upon* the Libyan authorities to cooperate fully with the commission of inquiry and with all international human rights bodies and mechanisms;

9. *Recalls* the importance of accountability, justice and the need to fight against impunity and, in this regard, stresses the need to hold to account those responsible for violations of international human rights law and humanitarian law in Libya;

10. *Takes note* of the steps taken by the Prosecutor of the International Criminal Court;

11. *Also takes note* of the statements made by the Libyan National Transitional Council of its commitment to uphold international human rights law, and underlines the importance of implementing those statements;

12. *Encourages* the Office of the United Nations High Commissioner for Human Rights to identify ways to increase its engagement with Libya, including through technical assistance;

13. *Takes note* of the application of the measures described by the General Assembly in paragraph 8 of its resolution 60/251, and recalls its decision to review the matter as appropriate in the light of further developments;

14. *Decides* to extend the mandate of the commission of inquiry established by the Human Rights Council in its resolution S-15/1, and requests the commission to continue its work, including through visits, and to provide an oral update to the Council at its eighteenth session, and a final written report at its nineteenth session;

15. *Requests* the Secretary-General and the High Commissioner to continue to provide all administrative, technical and logistical assistance required to enable the commission of inquiry to fulfil its mandate;

16. *Expresses its determination* to ensure monitoring of the human rights situation in Libya, and decides to remain seized of the matter.

34th meeting
17 June 2011

[Adopted without a vote.]

17/18
Optional Protocol to the Convention on the Rights of the Child on a communications procedure

[See chapter I.]

17/19
Human rights, sexual orientation and gender identity

The Human Rights Council,

Recalling the universality, interdependence, indivisibility and interrelatedness of human rights as enshrined in the Universal Declaration of Human Rights and consequently elaborated in other human rights instruments, such as the International Covenant on

Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant core human rights instruments,

Recalling also that the Universal Declaration of Human Rights affirms that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling further General Assembly resolution 60/251 of 15 March 2006, in which the Assembly stated that the Human Rights Council should be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Expressing grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity,

1. *Requests* the United Nations High Commissioner for Human Rights to commission a study, to be finalized by December 2011, documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity;

2. *Decides* to convene a panel discussion during the nineteenth session of the Human Rights Council, informed by the facts contained in the study commissioned by the High Commissioner and to have constructive, informed and transparent dialogue on the issue of discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity;

3. *Also decides* that the panel will also discuss the appropriate follow-up to the recommendations of the study commissioned by the High Commissioner;

4. *Further decides* to remain seized of this priority issue.

34th meeting
17 June 2011

[Adopted by a recorded vote of 23 to 19, with 3 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Brazil, Chile, Cuba, Ecuador, France, Guatemala, Hungary, Japan, Mauritius, Mexico, Norway, Poland, Republic of Korea, Slovakia, Spain, Switzerland, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay

Against:

Angola, Bahrain, Bangladesh, Cameroon, Djibouti, Gabon, Ghana, Jordan, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Uganda

Abstaining:

Burkina Faso, China, Zambia]

17/20
Technical assistance and cooperation on human rights for Kyrgyzstan

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments to which they are parties,

Recalling Human Rights Council resolution 14/14 of 18 June 2010,

Welcoming the continued collaboration of the Government of Kyrgyzstan with the international community in improving the human rights situation,

Welcoming also the decision of the Government of Kyrgyzstan to establish an independent international commission and national commissions to investigate the facts and circumstances relevant to the events of June 2010 in southern Kyrgyzstan, and welcoming their reports,

Considering the importance of the promotion and protection of human rights without discrimination based on gender, race, language, religion, ethnic origin, political or other opinion, national or social origin, property, birth or other status, and the contribution of that promotion and protection to political and social stability in the country,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and cooperation on human rights for Kyrgyzstan,[69] including the recommendations made in the report;

2. *Calls upon* the Government of Kyrgyzstan to further uphold its commitment to the human rights enshrined in the Universal Declaration of Human Rights and to implement all its international human rights obligations;

3. *Takes note with appreciation* of the constitutional reform of 27 June 2010 making the system of governance more decentralized, and the open manner in which parliamentary elections were held on 10 October 2010;

4. *Acknowledges* the efforts of the Government of Kyrgyzstan to develop, in cooperation with the Organization for Security and Cooperation in Europe, the High Commissioner on Minorities of that body and civil society partners, and the Regional Office of the United Nations High Commissioner for Human Rights for Central Asia, in Bishkek, a draft national concept for ethnic development and society integration, emphasizing the need for its early adoption and implementation;

5. *Reaffirms the need* to uphold the rights to freedom of peaceful assembly, freedom of expression and freedom of association, strongly condemns the acts that resulted in the killing of protestors on 7 April 2010, and urges the Government of Kyrgyzstan to take special measures to ensure the protection of human rights;

[69] A/HRC/17/41.

6. *Welcomes* the positive engagement of the Government of Kyrgyzstan in the universal periodical review process, and takes note with appreciation of its acceptance of almost all the recommendations;

7. *Also welcomes* the ongoing efforts of the Government of Kyrgyzstan to further advance the constitutional and legislative reform in progress and to strengthen the protection of human rights and prevention of gender discrimination and violence, including by bringing the perpetrators of gender-based violence to justice and ensuring that victims have access to medical and psychological care;

8. *Expresses its support and encouragement* for the efforts made to reform and improve the effectiveness of law enforcement and respect for the rule of law, including consideration for the special needs of women, children and other vulnerable groups, for example, by creating an independent public supervisory board for the police force in Kyrgyzstan;

9. *Urges* the Government of Kyrgyzstan to continue efforts to bring its judicial system into line with its international obligations and to ensure that the judiciary is independent and impartial and that the authorities work in an efficient manner to prosecute perpetrators of human rights violations and abuses and to bring justice to victims, with full respect for due process and the safety of victims, defendants, attorneys and witnesses;

10. *Also urges* the Government of Kyrgyzstan to ensure that progress is made in improving the human rights situation in the areas of administration of justice, torture and arbitrary detention, the right to adequate housing, the rights of women, minority rights and human rights mechanisms;

11. *Calls on* the Government of Kyrgyzstan, in cooperation with relevant stakeholders, to ensure that the legislative framework regulating the penitentiary system and the execution of punishments conforms to its international obligations;

12. *Urges* the Government of Kyrgyzstan to promote and protect human rights and fundamental freedoms for all, in particular, to address ongoing arbitrary detentions, torture and corruption by law enforcement and Government officials;

13. *Welcomes* the comments of the Government of Kyrgyzstan in response to the report of the independent international commission, especially its commitment to implement the recommendations made in the report and to establish a special commission for that purpose;

14. *Encourages* the Government of Kyrgyzstan to guarantee freedom of the press and ensure an atmosphere in which all media can operate freely;

15. *Urges* the Government of Kyrgyzstan to promote inter-ethnic reconciliation, in particular in the light of the events of June 2010, and calls upon all actors from both inside and outside the country to refrain from violence;

16. *Encourages* the Government of Kyrgyzstan and all parties to make further efforts to continue to engage in a genuine process of open dialogue to promote national reconciliation and strengthen the democratic process to enhance peace for the people of Kyrgyzstan;

17. *Invites* relevant international organizations and States to continue to provide technical assistance and to work with the Government of Kyrgyzstan and other actors, as needed, to identify additional areas of assistance that will aid Kyrgyzstan in fulfilling its human rights obligations;

18. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through her office in Bishkek, and to work with the Government of Kyrgyzstan and other actors, as needed, to identify additional areas of assistance that will aid Kyrgyzstan in fulfilling its human rights obligations, to brief the Human Rights Council on progress and to submit a report thereon to the Council for consideration at its twentieth session.

34th meeting
17 June 2011

[Adopted without a vote.]

17/21
Assistance to Côte d'Ivoire in the field of human rights

[See chapter I.]

17/22
Migrants and asylum-seekers fleeing recent events in North Africa

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, sex, language, religion, political or other opinion, colour or national or social origin, property, birth or other status, including the right to life and security of the person,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling also the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967,

Underlining the important role of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including those of migrants and asylum-seekers,

Reaffirming that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his or her own, and to return to his or her country,

Recalling the obligations of States under international human rights law, humanitarian law and refugee law, in particular with regard to the principle of non-refoulement,

Recalling also the responsibility of States to take the requisite steps in accordance with their international obligations to provide persons in distress at sea, including persons fleeing the recent events in North Africa, with assistance,

Affirming that crimes and human rights violations against migrants continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

1. *Expresses its alarm* at the continuing vulnerable situation of migrants and asylum-seekers who have suffered untold hardship and, in some cases, even death as they attempt to flee recent events in North Africa;

2. *Also expresses its alarm* at the fact that, after having been compelled to make dangerous journeys, including in crowded and unsafe boats, the above-mentioned migrants are subjected to life-threatening exclusion, detention, rejection and xenophobia;

3. *Further expresses its alarm* at the fact that, since the beginning of the recent events in North Africa, there have been several reports of boats sinking and, in this regard, notes with sadness the death at sea of several hundreds of people, mostly African citizens, after their boats sank and that, according to accounts of survivors and family members, more than one thousand two hundred people are still unaccounted for;

4. *Recognizes* the efforts made by countries of destination on the northern shores of the Mediterranean sea to host migrants and asylum-seekers fleeing recent events in North Africa, as well as the greater efforts made by neighbouring north African countries, which impose on them a disproportionate burden, and commends, for their solidarity, the Governments and people of those countries, humanitarian actors, including the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross, international and local non-governmental organizations and those Governments and individuals who have supported their activities;

5. *Reaffirms the need* to respect the fundamental principle of non-refoulement, including in the context of people fleeing events in North Africa;

6. *Emphasizes* that countries of destination should deal with the arrival of thousands of migrants and asylum-seekers fleeing recent events in North Africa, including its humanitarian dimension, in accordance with international obligations under international human rights law;

7. *Calls for* a comprehensive inquiry by countries of destination into the very troubling allegations that sinking vessels carrying migrants and asylum-seekers fleeing the recent events in North Africa were abandoned to their fate despite the ability of European ships in the vicinity to rescue them, and welcomes the call made by the Council of Europe in this regard on 9 May 2011;

8. *Requests* the United Nations High Commissioner for Human Rights to pay particular attention to the situation of migrants and asylum-seekers fleeing recent events in North Africa described in the present resolution, to report to the Human Rights Council at its eighteenth session and to provide updates thereon;

9. *Requests* the Special Rapporteur on the human rights of migrants and all other relevant special procedures mandate holders to pay particular attention to the situation of persons fleeing by sea, including from recent events in North Africa, and who are denied

assistance or rescue when approaching the countries of destination, and to report regularly thereon to the Human Rights Council.

35th meeting
17 June 2011

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

17/23
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Right to Development as well as other relevant human rights instruments,

Reaffirming the commitment to ensure the effective enjoyment by all of all human rights, civil, political, economic, social and cultural rights, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Noting the entry into force of the United Nations Convention against Corruption, including its chapter V, as well as the United Nations Convention against Transnational Organized Crime,

Noting also the work carried out by different United Nations and international and regional organizations in this field,

Recalling General Assembly resolutions 60/207 of 22 December 2005 and 64/237 of 24 December 2009 on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption, as well as other relevant Assembly resolutions,

Concerned about the seriousness of problems posed by corrupt practices and the transfer of funds of illicit origin, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Deeply concerned that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by the phenomenon of corruption and the transfer of funds of illicit origin,

Convinced that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law,

Recognizing that States continue to face various challenges in fund and asset recovery of illicit origin, including legal challenges,

Convinced that corruption, including the transfer of funds and assets of illicit origin and the non-repatriation of such funds and assets, is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation essential to prevent and combat it,

1. *Expresses grave concern* about cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States;

2. *Recognizes* the urgent need to repatriate such illicit funds to the countries of origin and urges all States to commit their political will to act together to recover the proceeds of corruption, including by repatriating illicit funds and assets to the countries of origin;

3. *Requests* the United Nations High Commissioner for Human Rights to prepare a comprehensive study and, when necessary, to seek information from relevant international organizations and agencies on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights, and to submit a report thereon to the Human Rights Council at its nineteenth session.

35th meeting
17 June 2011

[Adopted by a recorded vote of 32 to 2, with 12 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

Against:

Japan, United States of America

Abstaining:

Belgium, Hungary, France, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland]

17/24
Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, and the Convention on the Rights of the Child and the Optional Protocols thereto,

Taking note of the participation of the Government of Belarus in the universal periodic review in May 2010 as a State under review, acknowledging in this regard its support for a large number of recommendations, and stressing the need for their full implementation in cooperation with the Office of the United Nations High Commissioner for Human Rights,

Concerned about the presidential elections held on 19 December 2010 in Belarus, which were marked by a lack of independence and impartiality of the election administration, an uneven playing field and a restrictive media environment, as well as a continuous lack of transparency at key stages of the electoral process,

Deeply concerned at the overall human rights situation in Belarus and its severe deterioration since the presidential elections of 19 December 2010, including credible allegations of torture, arbitrary detention and increasing harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them,

Expressing its support for regional and subregional efforts, including those of the Organization for Security and Cooperation in Europe aimed at improving the human rights situation in Belarus, and deeply regretting the decision of Belarus not to extend the mandate of the Organization's office in Minsk and the failure of the Government of Belarus to cooperate with the Organization's Moscow Mechanism,

1. *Condemns* the human rights violations occurring before, during and in the aftermath of the presidential elections of 19 December 2010, including the use of violence against, arbitrary arrest, detention and the politically motivated conviction of opposition candidates, their supporters, journalists and human rights defenders, as well as the abuses of due process rights, including the right to a fair trial for those involved in the demonstrations of 19 December;

2. *Urges* the Government of Belarus:

(a) To end politically motivated persecution and harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them;

(b) To comply with international standards for due process and fair trial;

(c) To release and rehabilitate all political prisoners, including those detained in connection with the demonstrations of 19 December 2010;

(d) To conduct a thorough, credible, impartial and transparent investigation into the allegations of the disproportionate use of force and violations of human rights, including the use of torture and ill-treatment of detainees in connection with the events of 19 December 2010;

(e) To respect freedom of expression and freedom of association and peaceful assembly, and to bring its relevant legislation into line with its international obligations under human rights law;

(f) To implement its commitments made with the Organization for Security and Cooperation in Europe, and to allow a meaningful presence of the Organization in Belarus;

(g) To allow international monitors and to cease the detention and expulsion of international monitors from the country;

3. *Requests* the United Nations High Commissioner for Human Rights to monitor the human rights situation in Belarus and to present to the Human Rights Council, in an interactive dialogue to be held at its eighteenth session, an oral report thereon, including on alleged human rights violations committed in Belarus following the presidential election of 19 December 2010;

4. *Also requests* the High Commissioner to present to the Human Rights Council, in an interactive dialogue to be held at its twentieth session, a comprehensive report on the human rights situation in Belarus;

5. *Encourages* relevant thematic special procedures mandate holders, in particular the special rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, on the independence of judges and lawyers, on torture and other cruel, inhuman or degrading treatment or punishment, on the rights to freedom of peaceful assembly and of association, the Working Group on Enforced or Involuntary Disappearances as well as the Working Group on Arbitrary Detention, within their respective mandates, to pay particular attention to the human rights situation in Belarus and to contribute to the report of the High Commissioner with recommendations on how to redress the human rights situation in Belarus, to be presented to the Human Rights Council at its twentieth session;

6. *Calls upon* the Government of Belarus to cooperate fully with all mechanisms of the Human Rights Council, the Office of the High Commissioner and human rights treaty bodies, to permit access to visit the country and to provide all necessary information;

7. *Decides*, on the basis of the report of the High Commissioner to be presented to the Human Rights Council at its twentieth session, to consider further appropriate steps to be taken.

35th meeting
17 June 2011

[Adopted by a recorded vote of 21 to 5, with 19 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Brazil, Chile, France, Gabon, Hungary, Japan, Jordan, Maldives, Mauritius, Norway, Poland, Republic of Korea, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia

Against:

China, Cuba, Ecuador, Nigeria, Russian Federation

Abstaining:

Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, Djibouti, Ghana, Guatemala, Kyrgyzstan, Malaysia, Mauritania, Mexico, Pakistan, Qatar, Republic of Moldova, Saudi Arabia, Senegal, Thailand, Uganda]

17/25
Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recalling also its previous resolutions on the situation of human rights in Somalia and its decision 14/119 of 18 June 2010,

Acknowledging the commitment of and efforts made by the African Union, and especially those of the African Union Mission in Somalia, to support efforts to achieve security, reconciliation and stability, and the efforts made by the international community and regional stakeholders to help Somalia re-establish stability, peace and security on its national territory,

Acknowledging also the constructive engagement of the Transitional Federal Government of Somalia and its subnational authorities in the universal periodic review, and its decision to hold a special meeting of the Council of Ministers before the end of June 2011 to consider its acceptance of numerous recommendations made at the review,

Deeply concerned about the steep rise in the number of children under five years of age who have been wounded in Mogadishu since May 2011,

Noting the unique challenges faced by the Transitional Federal Government at the national and subnational levels as it considers implementing the universal periodic review recommendations and its expressed desire to receive additional technical support and assistance from the Office of the United Nations High Commissioner for Human Rights and any willing country, including through the role of the independent expert on the situation of

human rights in Somalia and of the independent consultant on the elaboration of the report of Somalia for the universal periodic review,

1. *Expresses its serious concern* at the human rights and humanitarian situation in Somalia;

2. *Strongly condemns* and calls for the immediate cessation of the grave and systematic human rights abuses perpetrated against the civilian population by Al Shabab and its affiliates;

3. *Calls on* Somalia to fulfil its obligations under international human rights law and international humanitarian law;

4. *Urges* all parties to assist in effecting unhindered humanitarian access by opening up humanitarian corridors and humanitarian spaces;

5. *Calls on* the Transitional Federal Government and encourages the African Union Mission in Somalia to provide their security forces with training in international human rights law and international humanitarian law, with the support of the international community;

6. *Encourages* the Transitional Federal Government and its subnational authorities to consider favourably the recommendations presented during the session of the Working Group on the Universal Periodic Review, and to implement the recommendations that enjoy its support;

7. *Decides* to extend the mandate of the independent expert on the situation of human rights in Somalia for one year, from September 2011, with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the efforts of the Transitional Federal Government and its subnational authorities to ensure respect for human rights and to strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requests the independent expert to report to the Human Rights Council at its twenty-first session on the situation of human rights and the implementation of technical cooperation in Somalia;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to enhance its technical assistance for the Transitional Federal Government and its subnational authorities, including through the role of the independent consultant, in responding to and implementing follow-up to the universal periodic review recommendations accepted by Somalia;

9. *Also requests* the Office of the High Commissioner to provide the independent expert with all the human, technical and financial assistance necessary to carry out his mandate;

10. *Decides* to remain seized of the matter.

35th meeting
17 June 2011

[Adopted without a vote.]

B. Decisions

17/101
Outcome of the universal periodic review: Nauru

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Nauru on 24 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Nauru which is constituted of the report of the Working Group on Nauru (A/HRC/17/3), together with the views of Nauru concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/3/Add.1).

15th meeting
7 June 2011

[Adopted without a vote.]

17/102
Outcome of the universal periodic review: Rwanda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Rwanda on 24 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Rwanda which is constituted of the report of the Working Group on Rwanda (A/HRC/17/4), together with the views of Rwanda concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/4/Add.1).

15th meeting
7 June 2011

[Adopted without a vote.]

17/103
Outcome of the universal periodic review: Nepal

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Nepal on 25 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Nepal which is constituted of the report of the Working Group on Nepal (A/HRC/17/5), together with the views of Nepal concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/5/Add.1).

15th meeting
7 June 2011

[Adopted without a vote.]

17/104
Outcome of the universal periodic review: Saint Lucia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Saint Lucia on 25 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Saint Lucia which is constituted of the report of the Working Group on Saint Lucia (A/HRC/17/6), together with the views of Saint Lucia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/6/Add.1).

16th meeting
7 June 2011

[Adopted without a vote.]

17/105
Outcome of the universal periodic review: Oman

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Oman on 26 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Oman which is constituted of the report of the Working Group on Oman (A/HRC/17/7), together with the views of Oman concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/7/Add.1).

16th meeting
7 June 2011

[Adopted without a vote.]

17/106
Outcome of the universal periodic review: Austria

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Austria on 26 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Austria which is constituted of the report of the Working Group on Austria (A/HRC/17/8), together with the views of Austria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/8/Add.1).

16th meeting
7 June 2011

[Adopted without a vote.]

17/107
Outcome of the universal periodic review: Myanmar

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Myanmar on 27 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Myanmar which is constituted of the report of the Working Group on Myanmar (A/HRC/17/9), together with the views of Myanmar concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/9/Add.1).

17th meeting
8 June 2011

[Adopted without a vote.]

17/108
Outcome of the universal periodic review: Australia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Australia on 27 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Australia which is constituted of the report of the Working Group on Australia (A/HRC/17/10), together with the views of Australia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/10/Add.1).

17th meeting
8 June 2011

[Adopted without a vote.]

17/109
Outcome of the universal periodic review: Georgia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Georgia on 28 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Georgia which is constituted of the report of the Working Group on Georgia (A/HRC/17/11), together with the views of Georgia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/11/Add.1).

17th meeting
8 June 2011

[Adopted without a vote.]

17/110
Outcome of the universal periodic review: Saint Kitts and Nevis

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Saint Kitts and Nevis on 28 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Saint Kitts and Nevis which is constituted of the report of the Working Group on Saint Kitts and Nevis (A/HRC/17/12), together with the views of Saint Kitts and Nevis concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/12/Add.1).

18th meeting
8 June 2011

[Adopted without a vote.]

17/111
Outcome of the universal periodic review: Sao Tome and Principe

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Sao Tome and Principe on 31 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Sao Tome and Principe which is constituted of the report of the Working Group on Sao Tome and Principe (A/HRC/17/13), together with the views of Sao Tome and Principe concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI).

18th meeting
8 June 2011

[Adopted without a vote.]

17/112
Outcome of the universal periodic review: Namibia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Namibia on 31 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Namibia which is constituted of the report of the Working Group on Namibia (A/HRC/17/14), together with the views of Namibia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/14/Add.1).

18th meeting
8 June 2011

[Adopted without a vote.]

17/113
Outcome of the universal periodic review: Niger

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Niger on 1 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Niger which is constituted of the report of the Working Group on Niger (A/HRC/17/15), together with the views of Niger concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI).

19th meeting
9 June 2011

[Adopted without a vote.]

17/114
Outcome of the universal periodic review: Mozambique

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Mozambique on 1 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Mozambique which is constituted of the report of the Working Group on Mozambique (A/HRC/17/16), together with the views of Mozambique concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/16/Add.1).

19th meeting
9 June 2011

[Adopted without a vote.]

17/115
Outcome of the universal periodic review: Estonia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Estonia on 2 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Estonia which is constituted of the report of the Working Group on Estonia (A/HRC/17/17), together with the views of Estonia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/17/Add.1).

19th meeting
9 June 2011

[Adopted without a vote.]

17/116
Outcome of the universal periodic review: Paraguay

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Paraguay on 2 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Paraguay which is constituted of the report of the Working Group on Paraguay (A/HRC/17/18), together with the views of Paraguay concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/2, chapter VI and A/HRC/17/18/Add.1).

21st meeting
9 June 2011

[Adopted without a vote.]

17/117
Procedural decision

At its 33rd meeting, on 16 June 2011, the Human Rights Council, welcoming the invitation extended by the Government of Yemen to the Office of the United Nations High Commissioner for Human Rights to conduct a visit to the country, decided to request the High Commissioner to report to the Council on the visit at its eighteenth session, under agenda item 2, and to hold an interactive dialogue on the basis of her report at that session.

[Adopted without a vote.]

17/118
Establishment of the Office of the President of the Human Rights Council

At its 35th meeting, on 17 June 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council,*

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling also General Assembly resolution 64/144 of 18 December 2009 on the office of the President of the Human Rights Council,

Recalling further that, according to the Human Rights Council, in the annex to its resolution 16/21 of 25 March 2011, the Office of the President of the Council should be established, in line with the procedural and organizational roles of the President, within existing resources, in order to support the President in the fulfilment of his or her tasks and enhance efficiency, continuity and institutional memory in this regard,

Recalling that the Office of the President should be provided with adequate resources drawn from the regular budget, including staff, office space and necessary equipment required for the fulfilment of its tasks,

Recalling also that the composition, modalities and financial implications of the Office of the President should be considered by the Human Rights Council on the basis of the report of the secretariat,[70]

Acknowledging the existing advisory services and technical assistance provided by the secretariat of the Office of the United Nations High Commissioner for Human Rights,

Having considered the report of the secretariat on the Office of the President,

1. *Decides* to establish an Office of the President, in accordance with the procedural and organizational roles of the President as described in the annex to Human Rights Council resolution 5/1, within existing resources, to support the

[70] A/HRC/17/19.

President in the fulfilment of his or her tasks and to enhance efficiency and institutional memory in this regard;

2. *Also decides* that the appointment shall promote equitable geographical distribution and gender balance, and that the composition of the Office of the President of the Human Rights Council shall be as follows:

(a) A staff member serving as the focal point for the overall support to the President, directing the work of his or her Office, reviewing draft statements and assisting the President in all his or her consultations;

(b) A staff member responsible for organizing and preparing substantive documentation relating to various meetings, drafting statements and assisting the President in his or her consideration of legal matters;

(c) A staff member responsible for organizing and preparing minutes of meetings of the President, the handling of correspondence and queries, as well as for all administrative matters relating to the President and the Office;

3. *Further decides* to provide the President with the support of a public information officer through the existing position from the Office of the United Nations High Commissioner for Human Rights;

4. *Strongly encourages* the incoming President of the Human Rights Council to retain one or more staff members from the preceding office in the interest of enhancing institutional memory and reinforcing continuity;

5. *Decides* that the staff of the Office shall be accountable to the President under his or her direction and supervision, and should serve for a one-year term, on a renewable basis;

6. *Also decides* that the President will select, manage and renew the staff of the Office, in consultation with the Bureau, in accordance with the United Nations Staff Regulations and Rules;

7. *Further decides* that the Office of the President should be operational no later than the seventh cycle of the Human Rights Council;

8. *Requests* the Secretary-General to ask the United Nations Office at Geneva to ensure that the staff of the Office of the President are provided with an appropriate office space, as well as the technical and organizational tools, services and instruments required for the fulfilment of their tasks."

[Adopted without a vote.]

17/119
Follow-up to the Human Rights Council resolution 16/21 with regard to the universal periodic review

At its 35th meeting, on 17 June 2011, the Human Rights Council decided to adopt the text below:

"I. Order for the review in the Working Group on the Universal Periodic Review

1. The order of the review established for the first cycle of the review (see annex I) shall be maintained for the second and subsequent cycles, whereby 14 States are reviewed during each session of the Working Group.

II. General guidelines for the preparation of information under the universal periodic review

2. Reaffirming the relevant provisions relating to the universal periodic review of General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007, containing the institution-building package, and resolution 16/21 of 25 March 2011, containing the outcome of the review of the work and functioning of the Human Rights Council,

Emphasizing that the second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of human rights situations in the State under review,

The Council adopts the general guidelines below.

A. Description of the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;

B. Developments since the previous review in background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: Constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the "basis of review" in resolution 5/1, annex, section IA;

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review" in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms …;

D. Presentation by the State concerned of the follow-up to the previous review;

E. Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations in the State;

F. Key national priorities, initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;

G. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance and support received.

III. Duration of the review in the Working Group on the Universal Periodic Review

3. The duration of the review shall be extended to three hours and thirty minutes for each country in the Working Group, so as to be within existing resources and with

no additional workload, during which the State under review shall be given up to 70 minutes to be used for initial presentation, replies and concluding comments in line with President's statement PRST/8/1 of 9 April 2008.

4. The allocation of time during the working group shall be in accordance with annex II.

IV. List of speakers in the Working Group on the Universal Periodic Review

5. The established procedures, which allow three minutes speaking time for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within three hours and thirty minutes available to Member and observer States.

6. Should it be impossible to accommodate all speakers within three hours and thirty minutes based on three minutes speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.

7. If all speakers still cannot be accommodated, the speaking time will be divided among all delegations inscribed so as to enable each and every speaker to take the floor.

8. Steps for drawing up the list of speakers:

(a) The list of speakers will open at 10 a.m. on the Monday of the week preceding the beginning of the session of the Working Group and will remain open for a period of four days. It will close on the Thursday at 6 p.m.. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the Secretariat;

(b) In all cases, regardless of speaking times, the delegations inscribed on the list of speakers will be arranged by alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations;

(c) Speaking time limits during the review will be strictly enforced. Speakers who exceed speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements;

(d) All speakers will retain the possibility of swapping places on the speaker's list under bilateral arrangement between speakers.

V. Voluntary funds

9. The Secretariat is requested to revise the terms of reference of the Voluntary Fund for participation in the universal periodic review and to provide an annual written update to the Human Rights Council, starting from the eighteenth session, on the operations of the funds and the resources available to it.

10. The Secretariat is requested to revise the terms of reference of the Voluntary Fund for financial and technical assistance in the implementation of the universal periodic review and to provide an annual written update to the Human Rights Council, starting from the eighteenth session, on the operations of the fund and the resources available to it. A board of trustees shall be established by the Secretary-General of the

United Nations in accordance with the rules of the United Nations and taking into consideration equitable geographic representation."

[Adopted without a vote.]

Annex I

Human Rights Council universal periodic review (second cycle)

1	Bahrain	37	Barbados	74	Viet Nam
2	Ecuador	38	Montenegro	75	Uruguay
3	Tunisia	39	United Arab Emirates	76	Yemen
4	Morocco	40	Israel	77	Vanuatu
5	Indonesia	41	Liechtenstein	78	The former Yugoslav Republic of Macedonia
6	Finland	42	Serbia		
7	United Kingdom of Great Britain and Northern Ireland	43	Turkmenistan	79	Comoros
		44	Burkina Faso	80	Slovakia
8	India	45	Cape Verde	81	Eritrea
9	Brazil	46	Colombia	82	Cyprus
10	Philippines	47	Uzbekistan	83	Dominican Republic
11	Algeria	48	Tuvalu	84	Cambodia
12	Poland	49	Germany	85	Norway
13	Netherlands	50	Djibouti	86	Albania
14	South Africa	51	Canada	87	Democratic Republic of the Congo
15	Czech Republic	52	Bangladesh		
16	Argentina	53	Russian Federation	88	Côte d'Ivoire
17	Gabon	54	Azerbaijan	89	Portugal
18	Ghana	55	Cameroon	90	Bhutan
19	Peru	56	Cuba	91	Dominica
20	Guatemala	57	Saudi Arabia	92	Democratic People's Republic of Korea
21	Benin	58	Senegal		
22	Republic of Korea	59	China	93	Brunei Darussalam
23	Switzerland	60	Nigeria	94	Costa Rica
24	Pakistan	61	Mexico	95	Equatorial Guinea
25	Zambia	62	Mauritius	96	Ethiopia
26	Japan	63	Jordan	97	Qatar
27	Ukraine	64	Malaysia	98	Nicaragua
28	Sri Lanka	65	Central African Republic	99	Italy
29	France	66	Monaco	100	El Salvador
30	Tonga	67	Belize	101	Gambia
31	Romania	68	Chad	102	Bolivia (Plurinational State of)
32	Mali	69	Congo	103	Fiji
33	Botswana	70	Malta	104	San Marino
34	Bahamas	71	New Zealand	105	Kazakhstan
35	Burundi	72	Afghanistan	106	Angola
36	Luxembourg	73	Chile	107	Iran (Islamic Republic of)

108 Madagascar
109 Iraq
110 Slovenia
111 Egypt
112 Bosnia and Herzegovina
113 Kyrgyzstan
114 Kiribati
115 Guinea
116 Lao People's Democratic Republic
117 Spain
118 Lesotho
119 Kenya
120 Armenia
121 Guinea-Bissau
122 Sweden
123 Grenada
124 Turkey
125 Guyana
126 Kuwait
127 Belarus
128 Liberia
129 Malawi
130 Mongolia
131 Panama
132 Maldives
133 Andorra
134 Bulgaria
135 Honduras
136 United States of America
137 Marshall Islands
138 Croatia
139 Jamaica
140 Libyan Arab Jamahiriya
141 Micronesia (Federated States of)
142 Lebanon
143 Mauritania
144 Nauru
145 Rwanda
146 Nepal
147 Saint Lucia
148 Oman
149 Austria
150 Myanmar
151 Australia
152 Georgia
153 Saint Kitts and Nevis
154 Sao Tome and Principe
155 Namibia
156 Niger
157 Mozambique
158 Estonia
159 Paraguay
160 Belgium
161 Denmark
162 Palau
163 Somalia
164 Seychelles
165 Solomon Islands
166 Latvia
167 Sierra Leone
168 Singapore
169 Suriname
170 Greece
171 Samoa
172 Saint Vincent and the Grenadines
173 Sudan
174 Hungary
175 Papua New Guinea
176 Tajikistan
177 United Republic of Tanzania
178 Antigua and Barbuda
179 Swaziland
180 Trinidad and Tobago
181 Thailand
182 Ireland
183 Togo
184 Syrian Arab Republic
185 Venezuela (Bolivarian Republic of)
186 Iceland
187 Zimbabwe
188 Lithuania
189 Uganda
190 Timor-Leste
191 Republic of Moldova
192 Haiti

Annex II

Tentative timetable for the session of the Working Group on the Universal Periodic Review as of the second cycle

First week

	Monday		*Tuesday*		*Wednesday*		*Thursday*		*Friday*	
Morning	9 a.m.–12.30 p.m.	Review of State under review 1	9 a.m.–12.30 p.m.	Review of State under review 3	9 a.m.–12.30 p.m.	Review of State under review 5	9 a.m.–12.30 p.m.	Review of State under review 7	9 a.m.–12.30 p.m.	State under review 9
					12.30	Distribution of report on State under review 1	12.30	Distribution of report on State under review 3		
Afternoon	2.30 p.m.–6 p.m.	Review of State under review 2	2.30 p.m.–6 p.m.	Review of State under review 4	2.30 p.m.–6 p.m.	Review of State under review 6	2.30 p.m.–6 p.m.	Review of State under review 8	3 p.m.–6 p.m.	Adoption of reports on States under review 1 to 6
					6 p.m.	Distribution of report on State under review 2	6 p.m.	Distribution of report on State under review 4		

Second week

	Monday		*Tuesday*		*Wednesday*	*Thursday*		*Friday*	
Morning	9 a.m.–12.30 p.m.	Review of State under review 10	10 a.m.–11.30 a.m.	Adoption of reports on States under review 7 to 9	9 a.m.–12.30 p.m.	Review of State under review 13			
	12.30 p.m.	Distribution of report on State under review 7				Distribution of report on State under review 10	1 p.m.	Distribution of report on State under review 12	
Afternoon	2.30 p.m.–6 p.m.	Review of State under review 11	2.30 p.m.–6 p.m.	Review of State under review 12	2.30 p.m.–6 p.m.	Review of State under review 14		3 p.m.–5.30 p.m.	Adoption of reports on States under review 10 to 14
	6 p.m.	Distribution of report on State under review 8			6 p.m.	Distribution of report on State under review 11			

17/120
Panel on the promotion and protection of human rights in the context of peaceful protests

At its 35th meeting, on 17 June 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights,

Reaffirming also that, in accordance with the Universal Declaration of Human Rights, States Members of the United Nations have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with the State's obligations under applicable international human rights instruments,

Stressing therefore that everyone must be able to express their grievances through public and peaceful protests without fear of being injured, beaten, detained, tortured or killed,

Stressing also that peaceful protests should not be viewed as a threat, and therefore encouraging States faced with peaceful protests to engage in an open, inclusive and meaningful national dialogue,

Recalling that when peaceful protests occur, States have the responsibility to promote and protect human rights and to prevent human rights violations, in particular extrajudicial, summary or arbitrary executions, arbitrary detention, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment,

Recognizing therefore the need to reflect on the promotion and protection of human rights in the context of peaceful protests,

1. *Decides* to convene, within existing resources, at its eighteenth session, a panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on the ways and means to improve the protection of these rights in such contexts in line with international human rights law;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with relevant special procedures, States and other stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary."

[Adopted without a vote.]

IV. Fourteenth special session

S-14/1
Situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election

The Human Rights Council,

Recalling the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006,

Recalling further Council resolutions 5/1 and 5/2 of 18 June 2007,

Bearing in mind the resolutions and declarations adopted by international, regional and subregional organizations on the elections that took place in Côte d'Ivoire, in relation to the conclusion of the 2010 presidential election,

Acknowledging the communiqué of the 252nd and 254th meetings of the African Union Peace and Security Council of 9 December and 21 December 2010, respectively, and the final communiqué on the Extraordinary Session of the Authority of Heads of State and Government of the Economic Community of West African States on Côte d'Ivoire of 7 December 2010,

Deeply concerned about the atrocities and violations of human rights committed in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election,

Deeply concerned also at the humanitarian consequences of the current situation,

1. *Strongly condemns* the human rights violations that have taken place in Côte d'Ivoire, including abductions, enforced or involuntary disappearances, arbitrary detentions, extrajudicial, summary or arbitrary executions, acts of sexual violence, denial of right to peaceful assembly, the loss of lives and the acts of destruction of property that occurred in different parts of Côte d'Ivoire in relation to the conclusion of the 2010 presidential election;

2. *Calls upon* all the relevant parties to immediately put an end to all human rights violations in Côte d'Ivoire and to fully respect all human rights and fundamental freedoms and the rule of law;

3. *Urges* all actors, particularly defence and security forces, to refrain from violence and to respect all human rights and fundamental freedoms, as well as to assume their responsibilities for the protection of the civilian population;

4. *Urges* all media outlets to refrain from inciting violence, hostility and the propaganda of hate speech and calls for an end to the restriction on media sources;

5. *Expresses its support* for the Economic Community of West African States, the African Union and other international, regional and subregional efforts to protect the legitimacy of the electoral process in Côte d'Ivoire and to ensure respect for the rights of Ivorians and all foreigners in the country, as well as for the Economic Community of West African States and African Union efforts to promote peace, democracy and reconciliation, in accordance with the Ouagadougou Political Agreement and its Supplementary Agreements;

6. *Calls upon* States Members of the United Nations, relevant United Nations agencies and international financial institutions to provide technical assistance and capacity-building to Côte d'Ivoire, upon its request;

7. *Encourages* relevant thematic special procedures mandate holders, within their respective mandates, to pay particular attention to the assessment and monitoring of the human rights situation in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election with a view to reporting to the Council accordingly;

8. *Underlines* that the legitimate Government of Côte d'Ivoire has the primary responsibility to make every effort to strengthen the protection of the civilian population and to investigate and bring to justice perpetrators of violations of human rights and of international humanitarian law, and calls upon the international community to support the Government of Côte d'Ivoire in stabilizing the situation in the country;

9. *Urges* all parties to cooperate fully with the operations of the United Nations Operation in Côte d'Ivoire in its efforts to protect and promote human rights;

10. *Requests* the international community to assist in addressing the humanitarian consequences of the crisis, including the adverse socio-economic impact on the most vulnerable populations of Côte d'Ivoire society and to exert the necessary efforts to gain unhindered access to refugees and internally displaced persons;

11. *Stresses* the importance for all Ivorians of sparing no efforts towards the preservation of peace, security and promotion and protection of human rights in Côte d'Ivoire and for the strengthening of democratic institutions in the country, which are necessary to the entrenchment of national reconciliation, lasting peace, rule of law, good governance and respect for human rights;

12. *Requests* the United Nations High Commissioner for Human Rights to inform and present a report to the Council on the abuses and violations of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election;

13. *Decides* to remain seized of the matter and to take appropriate measures, in accordance with Council resolution 5/1, if the human rights situation on the ground deteriorates.

2nd meeting
23 December 2010

[Adopted without a vote.]

V. Fifteenth special session

S-15/1
Situation of human rights in the Libyan Arab Jamahiriya

[See chapter I.]

VI. Sixteenth special session

S-16/1
The current human rights situation in the Syrian Arab Republic in the context of recent events

[See chapter I.]

VII. Seventeenth special session

S-17/1
Situation of human rights in the Syrian Arab Republic

[See chapter I.]

Index of topics considered by the Human Rights Council in its resolutions, decisions and the President's statement

Contents

		Page
Advisory Committee		
Reports of the Advisory Committee	PRST/16/1	132
Belarus		
Situation of human rights in Belarus	res. 17/24	184
Burundi		
Advisory services and technical assistance for Burundi	res. 16/34	117
Children		
Mandate of the Special Rapporteur on trafficking in persons, especially women and children	res. 17/1	134
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	res. 17/18	15
Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street	res. 16/12	49
Cote d'Ivoire		
Assistance to Côte d'Ivoire in the field of human rights	res. 16/25	9
Situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election	res. S-14/1	200
Situation of human rights in Côte d'Ivoire	res. 16/25	9
Democratic People's Republic of Korea		
Situation of human rights in the Democratic People's Republic of Korea	res. 16/8	44
Democratic Republic of the Congo		
The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services	res. 16/35	118
Development		
Right to development	dec. 16/117	131
Disabilities		
Role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities	res. 16/15	60

Disappearances

Enforced or involuntary disappearances ..... res. 16/16 63

Discrimination

Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief ..... res. 16/18 67

Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance ..... res. 16/33 117

Economic, social and cultural rights

Mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights..... res. 16/14 58

Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity ..... res. 17/15 169

The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights..... res. 17/7 148

Education

The right to education: follow-up to Human Rights Council resolution 8/4.. res. 17/3 138

United Nations Declaration on Human Rights Education and Training ..... res. 16/1 2

Environment

Human rights and the environment..... res. 16/11 47

Extrajudicial, summary or arbitrary executions

Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions..... res. 17/5 144

Food

The right to food..... res. 16/27 94

Foreign debt

Mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights ..... res. 16/14 58

The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights..... res. 17/7 148

Freedom of opinion and expression

Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression..... res. 16/4 37

Funds of illicit origin

The negative impact of non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights ..... res. 17/23 182

Guinea

Strengthening of technical cooperation and consultative services in Guinea res. 16/36 120

Health

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines ..... res. 17/14 166

HIV/AIDS

The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) ..... res. 16/28 102

Human rights bodies and mechanisms

The Social Forum ..... res. 16/26 92

Human Rights Council

Review of the work and functioning of the Human Rights Council ..... res. 16/21 72

Establishment of the Office of the President of the Human Rights Council .. dec. 17/118 196

Human rights defenders

Mandate of the Special Rapporteur on the situation of human rights defenders res. 16/5 38

Human rights situation in Palestine and other occupied Arab territories

Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla ..... res. 16/20 71

Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla ..... res. 17/10 156

Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict ..... res. 16/32 11

Human rights in the occupied Syrian Golan ..... res. 16/17 65

Human rights situation in the Occupied Palestinian Territory, including East Jerusalem ..... res. 16/29 108

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan ..... res. 16/31 113

Right of the Palestinian people to self-determination ..... res. 16/30 111

Independence of judges and lawyers

Mandate of the Special Rapporteur on the independence of judges and lawyers res. 17/2 136

International cooperation

Enhancement of international cooperation in the field of human rights ..... res. 16/22 80

International solidarity

Mandate of the independent expert on human rights and international solidarity — res. 17/6 — 146

Postponement of the renewal of the mandate of the independent expert on human rights and international solidarity — dec. 16/118 — 132

Iran (Islamic Republic of)

Situation of human rights in the Islamic Republic of Iran — res. 16/9 — 46

Israel

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan — res. 16/31 — 113

Kyrgyzstan

Technical assistance and cooperation on human rights for Kyrgyzstan — res. 17/20 — 178

Libyan Arab Jamahiriya

Situation of human rights in the Libyan Arab Jamahiriya — res. S-15/1 — 26

Situation of human rights in the Libyan Arab Jamahiriya — res. 17/17 — 175

Migrants

Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants — res. 17/12 — 162

Migrants and asylum-seekers fleeing recent events in North Africa — res. 17/22 — 180

Minority issues

Mandate of the independent expert on minority issues — res. 16/6 — 40

Myanmar

Situation of human rights in Myanmar — res. 16/24 — 87

National institutions

National institutions for the promotion and protection of human rights — res. 17/9 — 153

Office of the United Nations High Commissioner for Human Rights

Composition of staff of the Office of the United Nations High Commissioner for Human Rights — res. 16/10 — 7

Peace

Promotion of the right of peoples to peace — res. 17/16 — 171

Peaceful protest

Panel on the promotion and protection of human rights in the context of peaceful protests — dec. 17/120 — 205

Poverty

Extreme poverty and human rights — res. 17/13 — 164

Racism

Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance ..... res. 16/33 117

Religion

Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief ..... res. 16/18 67

Freedom of religion or belief ..... res. 16/13 55

Self-determination

Right of the Palestinian people to self-determination ..... res. 16/30 111

Sexual orientation

Human rights, sexual orientation and gender identity ..... res. 17/19 176

Social Forum

The Social Forum ..... res. 16/26 92

Somalia

Assistance to Somalia in the field of human rights ..... res. 17/25 186

Syrian Arab Republic

The current human rights situation in the Syrian Arab Republic in the context of recent events ..... res. S-16/1 28

Situation of human rights in the Syrian Arab Republic ..... res. S-17/1 30

Syrian Golan

Human rights in the occupied Syrian Golan ..... res. 16/17 65

Technical cooperation

Strengthening of technical cooperation and consultative services in Guinea res. 16/36 120

Technical assistance and cooperation on human rights for Kyrgyzstan ..... res. 17/20 178

The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services ..... res. 16/35 118

Terrorism

Panel on the human rights of victims of terrorism ..... dec. 16/116 129

Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism ..... res. 17/8 14

Torture

Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur ..... res. 16/23 83

Traditional values

Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind ..... res. 16/3 36

Trafficking

Mandate of the Special Rapporteur on trafficking in persons, especially women and children ..... res. 17/1 134

Transnational corporations

Human rights and transnational corporations and other business enterprises res. 17/4 140

Tunisia

Cooperation between Tunisia and the Office of the United Nations High Commissioner for Human Rights ..... res. 16/19 70

Universal periodic review

Follow-up to the Human Rights Council resolution 16/21 with regard to the universal periodic review ..... dec. 17/119 197

Outcome of the universal periodic review: Andorra ..... dec. 16/106 124

Outcome of the universal periodic review: Australia ..... dec. 17/108 191

Outcome of the universal periodic review: Austria ..... dec. 17/106 190

Outcome of the universal periodic review: Bulgaria ..... dec. 16/107 125

Outcome of the universal periodic review: Croatia ..... dec. 16/111 127

Outcome of the universal periodic review: Estonia ..... dec. 17/115 195

Outcome of the universal periodic review: Federated States of Micronesia .. dec. 16/113 128

Outcome of the universal periodic review: Georgia ..... dec. 17/109 192

Outcome of the universal periodic review: Jamaica ..... dec. 16/112 127

Outcome of the universal periodic review: Lebanon ..... dec. 16/109 126

Outcome of the universal periodic review: Liberia ..... dec. 16/101 122

Outcome of the universal periodic review: Malawi ..... dec. 16/102 122

Outcome of the universal periodic review: Maldives ..... dec. 16/105 124

Outcome of the universal periodic review: Marshall Islands ..... dec. 16/110 126

Outcome of the universal periodic review: Mauritania ..... dec. 16/114 128

Outcome of the universal periodic review: Mongolia ..... dec. 16/103 123

Outcome of the universal periodic review: Mozambique ..... dec. 17/114 194

Outcome of the universal periodic review: Myanmar ..... dec. 17/107 191

Outcome of the universal periodic review: Namibia ..... dec. 17/112 193

Outcome of the universal periodic review: Nauru ..... dec. 17/101 188

Outcome of the universal periodic review: Nepal ..... dec. 17/103 189

Outcome of the universal periodic review: Niger	dec. 17/113	194
Outcome of the universal periodic review: Oman	dec. 17/105	190
Outcome of the universal periodic review: Panama	dec. 16/104	123
Outcome of the universal periodic review: Paraguay	dec. 17/116	195
Outcome of the universal periodic review: Rwanda	dec. 17/102	188
Outcome of the universal periodic review: Saint Kitts and Nevis	dec. 17/110	192
Outcome of the universal periodic review: Saint Lucia	dec. 17/104	189
Outcome of the universal periodic review: Sao Tome and Principe	dec. 17/111	193
Outcome of the universal periodic review: United States of America	dec. 16/115	129
Water		
The human right to safe drinking water and sanitation	res. 16/2	33
Women		
Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection	res. 17/11	157
Mandate of the Special Rapporteur on trafficking in persons, especially women and children	res. 17/1	134
Mandate of the Special Rapporteur on violence against women, its causes and consequences	res. 16/7	42
Xenophobia		
See "racism"		
Yemen		
Procedural decision	dec. 17/117	196

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